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HOUSE BILL 302

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Joe M Stell

AN ACT

RELATING TO LIVESTOCK; AMENDING, REPEALING, ENACTING AND  
RECOMPILING SECTIONS OF THE LIVESTOCK CODE TO MODERNIZE  
STATUTES RELATING TO LIVESTOCK AND THE LIVESTOCK INDUSTRY;  
ELIMINATING AND PRESCRIBING POWERS AND DUTIES OF THE NEW  
MEXICO LIVESTOCK BOARD, INSPECTORS, LIVESTOCK OWNERS AND  
OTHERS DEALING WITH LIVESTOCK; CHANGING AND CHARGING FEES;  
STANDARDIZING ASSESSMENTS; EXTENDING THE SUNSET PROVISION;  
STANDARDIZING PENALTIES; MAKING AN APPROPRIATION.

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

Section 1. Section 77-2-1 NMSA 1978 (being Laws 1967,  
Chapter 213, Section 1, as amended) is amended to read:

"77-2-1. SHORT TITLE--PURPOSE.--Chapter 77, Articles 2  
through 18 NMSA 1978 may be cited as "The Livestock Code".

The Livestock Code shall be liberally construed to carry out

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1 its purposes, which are to promote greater economy, service  
2 and efficiency in the administration of the laws relating to  
3 the livestock industry of New Mexico, to control disease, to  
4 prevent the theft or illegal movement of livestock and to  
5 oversee the New Mexico meat inspection program "

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

8 "77-2-1.1. DEFINITIONS. -- As used in The Livestock Code  
9 [~~unless the context clearly indicates otherwise~~]:

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

23 B. "bill of sale" means an instrument in  
24 substantially the form specified in The Livestock Code by  
25 which the owner or his authorized agent transfers to the buyer

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1 the title to animals described therein;

2 C. "bison" or "buffalo" means a bovine animal of  
3 the species bison;

4 [~~C.~~] D. "board" means the New Mexico livestock  
5 board;

6 [~~D.~~] E. "bond" means cash or an insurance  
7 agreement from a New Mexico licensed surety or insurance  
8 corporation pledging surety for financial loss caused to  
9 another, including [~~but not limited to~~] certificate of  
10 deposit, letter of credit or other surety as may be approved  
11 by the United States department of agriculture, packers and  
12 stockyards administration or the board;

13 [~~E.~~] F. "brand" means a [~~mark, notch~~] symbol or  
14 device in a form approved by and recorded with the board as  
15 may be sufficient to readily distinguish livestock should they  
16 become intermixed with other animals or livestock; [~~No animal~~  
17 ~~shall be branded at any location more than once such that no~~  
18 ~~subsequent brand shall be placed upon an existing brand, thus~~  
19 ~~altering the prior placed brand;~~

20 ~~F. "bureau" means the United States department of~~  
21 ~~agriculture animal and plant health inspection service or its~~  
22 ~~successor agencies;]~~

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

25 [~~G.~~] H. "carcasses" means dead or dressed bodies

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1 of livestock or parts thereof; [~~not less than one quarter of a~~  
2 ~~carcass~~;

3 ~~H.]~~ I. "cattle" means animals of the genus Bos  
4 [~~only~~], including dairy cattle, and does not include any other  
5 kind of [~~domestic animals~~;

6 ~~I. "commissioned livestock inspector" means a~~  
7 ~~livestock inspector certified and granted full law enforcement~~  
8 ~~powers for enforcement of The Livestock Code]~~ livestock;

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

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

14 [~~K.]~~ L. "disease" means [~~any~~] a communicable,  
15 infectious or contagious disease;

16 M "district" means a livestock inspection  
17 district;

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

24 O. "inspector" means a livestock or brand  
25 inspector;

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P. "livestock inspector" means a certified inspector who is granted full law enforcement powers for enforcement of The Livestock Code;

~~[M.]~~ Q. "mark" [refers to a sheep] means an ear tag or ownership mark that is not a brand;

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

~~[O. "noncommissioned brand inspector" means a brand inspector not certified as a peace officer; and]~~

S. "mule" means a hybrid resulting from the cross of a horse and an ass; and

~~[P.]~~ T. "person" [includes] means an individual, firm, partnership, association, [or] corporation or similar legal entity."

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

"77-2-7. ADDITIONAL POWERS OF THE BOARD. -- ~~[ A.]~~ In addition to the powers transferred from the cattle and sheep sanitary boards, the board ~~[ has the following powers to]~~ may:

~~[(1)]~~ A. exercise general regulatory supervision over the livestock industry of this state in order to protect the industry from theft and [ contagious or infectious] diseases and in order to protect the public from diseased or unwholesome meat or meat products;

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

8            ~~[(3)]~~ C. employ clerical help, provide office  
9 space and purchase equipment, including vehicles;

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

16           ~~[(5)]~~ E. appoint a state veterinarian and  
17 subordinate veterinarians as are necessary to carry out the  
18 duties of the board; ~~[All veterinarians employed by the board~~  
19 ~~shall be licensed by the board of veterinary examiners;~~

20           ~~(6) make and publish]~~ F. adopt and promulgate  
21 rules ~~[and regulations]~~ to control the importation and  
22 exportation of animals ~~[into this state]~~;

23           G. establish livestock inspection districts;

24           ~~[(7)]~~ H. establish quarantine, provide its  
25 boundaries and give notice of the quarantine and ~~[to]~~ do all

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1 other things necessary to effect the object of the quarantine  
2 and to protect the livestock industry of this state from  
3 [~~contagious or infectious~~] disease and prevent the spread of  
4 disease;

5 [~~(8) make and publish~~] I. adopt and promulgate  
6 rules [~~and regulations~~] for meat inspection, including the  
7 slaughter and disposition of the carcasses of [~~animals~~]  
8 livestock affected with [~~contagious or infectious~~] diseases  
9 when the action appears necessary to prevent the spread of any  
10 contagion or infection among livestock;

11 [~~(9) make and publish~~] J. adopt and promulgate  
12 rules [~~and regulations~~] governing the importation,  
13 manufacture, sale, distribution or use within the state of  
14 serums, vaccine and other biologicals intended for diagnostic  
15 or therapeutic uses with [~~animals~~] livestock and [~~to~~] regulate  
16 the importation, manufacture or use of virulent blood or  
17 living virus of any diseases affecting [~~animals~~] livestock;

18 [~~(10)~~] K. set fees or charges, not to exceed  
19 [~~twenty dollars (\$20.00)~~] one hundred dollars (\$100) per call,  
20 for any services rendered by the board or its employees  
21 [~~which~~] that are deemed necessary by the board and for which  
22 no fee has been set by statute;

23 [~~(11)~~] L. consider the views of the livestock  
24 industry in the administration of The Livestock Code; [~~and~~

25 [~~(12) make and publish~~] M adopt and promulgate

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1 rules ~~[and regulations]~~ to otherwise carry out the purposes of  
2 The Livestock Code; and

3 ~~[B. The board may]~~ N. hold hearings and subpoena  
4 witnesses for the purpose of investigating or enforcing The  
5 Livestock Code or rules established ~~[thereunder]~~ pursuant to  
6 that code. "

7 Section 4. Section 77-2-8 NMSA 1978 (being Laws 1969,  
8 Chapter 177, Section 1) is amended to read:

9 "77-2-8. RESEARCH AND PROMOTION OF MEAT AND MEAT  
10 PRODUCTS. --The ~~[New Mexico livestock]~~ board may enter into  
11 contracts for research into and promotion of meat and meat  
12 products. The contracts shall carry provisions for financing,  
13 and the board may accept and expend voluntary contributions  
14 from any source to finance the contracts. ~~[Every contract for~~  
15 ~~research or promotion shall contain provisions for financing~~  
16 ~~the cost of the work and must be approved by the state board~~  
17 ~~of finance.]~~ The provisions of this section shall not apply to  
18 or include cattle coming out of feed lots."

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

21 "77-2-13. RECORDS--CERTIFIED COPY EVIDENCE. --The records  
22 required to be kept by the ~~[executive]~~ director ~~[of the New~~  
23 ~~Mexico livestock board]~~, including inspector reports, shall be  
24 maintained by the board in a readily available manner, and a  
25 certified copy of any such records under the hand and seal of



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1 the ~~[executive]~~ director ~~[of the board]~~ or the verified oath  
2 of an inspector shall be prima facie evidence in all courts of  
3 this state of the truth of any fact required to be recorded  
4 therein. "

5 Section 6. Section 77-2-14 NMSA 1978 (being Laws 1937,  
6 Chapter 205, Section 1, as amended) is amended to read:

7 "77-2-14. ATTORNEY--DUTIES ~~[ SPECIAL TAX]~~. --The ~~[New~~  
8 ~~Mexico livestock]~~ board ~~[has authority to]~~ may employ a  
9 competent attorney to give advice and counsel in regard to any  
10 matter connected with the duties of the board, to represent  
11 the board in any legal proceedings and to aid in the  
12 enforcement of the laws in relation to livestock ~~[ and to]~~.  
13 The board shall fix the compensation to be paid to such  
14 attorney. ~~[ For the purpose of providing funds therefor and~~  
15 ~~for the employment of additional inspectors and other~~  
16 ~~necessary expenses incurred by the board, a special tax shall~~  
17 ~~be levied upon all cattle, horses, mules and asses in every~~  
18 ~~county of this state in the manner and according to the~~  
19 ~~provisions of Section 77-2-15 NMSA 1978, which levy shall be~~  
20 ~~within the limit provided for in that section.]"~~

21 Section 7. Section 77-2-15 NMSA 1978 (being Laws 1937,  
22 Chapter 205, Section 2, as amended) is amended to read:

23 "77-2-15. SPECIAL TAXES--LEVY--~~[ INDEMNITY FUNDS--]~~  
24 COLLECTION. --

25 A. Each year ~~[it is the duty of]~~ the board of

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1 county commissioners of each county shall at its first meeting  
2 after the return of the assessment of the property for  
3 taxation by the county assessors of each county, [ ~~to~~] levy a  
4 special tax at a rate to be fixed each year by the New Mexico  
5 livestock board. Subject to the provisions of Section  
6 7-37-7.1 NMSA 1978, the New Mexico livestock board shall, in  
7 each year, order the levy of a tax [ ~~in a sum and manner as set~~  
8 ~~forth herein: (1) for beef cattle, horses, mules, asses and~~  
9 ~~buffalo, a sum~~] on livestock at a rate not to exceed ten  
10 dollars (\$10.00) on each one thousand dollars (\$1,000) of net  
11 taxable value, as that term is defined in the Property Tax  
12 Code,

13 [ ~~(2) for dairy cattle, a sum at a rate to be~~  
14 ~~fixed each year by the board not to exceed ten dollars~~  
15 ~~(\$10.00) on each one thousand dollars (\$1,000) of net taxable~~  
16 ~~value, as that term is defined in the Property Tax Code, of~~  
17 ~~all dairy-breed cattle in the county; and~~

18 (3) ~~for sheep and goats, a sum at a rate not~~  
19 ~~to exceed twenty dollars (\$20.00) on each one thousand dollars~~  
20 ~~(\$1,000) of net taxable value, as that term is defined in the~~  
21 ~~Property Tax Code] of the livestock. The New Mexico livestock  
22 board may set different rates for individual classes of  
23 livestock.~~

24 B. The order imposing the levy of the tax shall be  
25 made on or before June 30 in each year and shall be certified

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1 to the department of finance and administration by the  
2 [~~executive~~] director. The department of finance and  
3 administration shall certify the amount of the levy to the  
4 board of county commissioners of each county, and [~~such~~] the  
5 board of county commissioners shall include the levy in  
6 [~~their~~] its annual levy of taxes. The special tax shall be  
7 collected in each county and paid to the state treasurer in  
8 the manner provided by law for the collection and payment of  
9 other state taxes. Such funds shall be remitted to the New  
10 Mexico livestock board for deposit in the interim receipts and  
11 disbursements fund. "

12 Section 8. Section 77-2-22 NMSA 1978 (being Laws 1933,  
13 Chapter 53, Section 2, as amended) is amended to read:

14 "77-2-22. PENALTY FOR VIOLATING RULE [~~OR REGULATION~~]. --  
15 Any person [~~firm or corporation violating any~~] who violates a  
16 rule [~~or regulation~~] adopted under the power granted to the  
17 [~~New Mexico livestock~~] board unless the penalty [~~thereof~~] has  
18 been [~~heretofore~~] fixed by law [~~or may hereafter be fixed by~~  
19 ~~law shall upon conviction be~~] is guilty of a [~~petty~~]  
20 misdemeanor and upon conviction shall be sentenced in  
21 accordance with the provisions of Section 31-19-1 NMSA 1978. "

22 Section 9. Section 77-2-28 NMSA 1978 (being Laws 1981,  
23 Chapter 5, Section 1, as amended) is amended to read:

24 "77-2-28. TERMINATION OF BOARD LIFE--DELAYED REPEAL. --  
25 The New Mexico livestock board is terminated July 1, [~~1999~~]

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1 2009 unless continued by the legislature pursuant to the  
2 Sunset Act. The board shall continue to operate according to  
3 all of the provisions of Chapter 77, Article 2 NMSA 1978 until  
4 July 1, [~~2000~~] 2010 for the purpose of winding up its affairs.  
5 Effective July 1, [~~2000~~] 2010, Chapter 77, Article 2 NMSA 1978  
6 is repealed. "

7 Section 10. Section 77-2-29 NMSA 1978 (being Laws 1981,  
8 Chapter 357, Section 2, as amended) is amended to read:

9 "77-2-29. FEES. --The following fees shall be fixed by  
10 the board for services rendered pursuant to the provisions of  
11 [~~Chapter 77 NMSA 1978~~] The Livestock Code:

12 A. an inspection or permit fee not to exceed  
13 sixteen cents (\$.16) per head to be charged for the  
14 importation or exportation of sheep and goats pursuant to  
15 Section 77-8-3 NMSA 1978 and a service charge in an amount not  
16 to exceed ten dollars (\$10.00) for each inspection request ;  
17 provided that the board shall not increase the fee more than  
18 four cents (\$.04) in any one fiscal year; [~~starting at the fee~~  
19 ~~of eight cents (\$.08);~~

20 ~~B. an inspection fee not to exceed sixteen cents~~  
21  ~~(\$.16) per head to be charged for the exportation of sheep~~  
22  ~~pursuant to Section 77-8-7 NMSA 1978; provided that the board~~  
23  ~~shall not increase the fee more than four cents (\$.04) in one~~  
24  ~~any fiscal year starting at the fee of eight cents (\$.08);~~

25 ~~C.]~~ B. a fee for recording a transfer of a brand

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1 pursuant to Section 77-9-7 NMSA 1978, as recompiled, in an  
2 amount not to exceed fifty dollars (\$50.00);

3 ~~[D.]~~ C. a fee for recording a brand [~~for horses,~~  
4 ~~mules, asses, cattle or sheep~~] or researching a brand pursuant  
5 to Section 77-9-10 NMSA 1978, as recompiled, in an amount not  
6 to exceed fifty dollars (\$50.00);

7 ~~[E.]~~ D. a fee for additional copies of certified  
8 copies of brands pursuant to Section 77-9-10 NMSA 1978, as  
9 recompiled, in an amount not to exceed five dollars (\$5.00)  
10 per copy;

11 ~~[F.]~~ E. a fee for the recording of a holding brand  
12 pursuant to Section 77-9-16 NMSA 1978, as recompiled, in an  
13 amount not to exceed one hundred dollars (\$100), which  
14 recording shall be valid for one year from the date of  
15 recording, and an additional fee in an amount not to exceed  
16 one hundred dollars (\$100) for each annual renewal  
17 [~~thereafter~~;

18 ~~G.]~~ F. a fee for the rerecording of brands  
19 pursuant to Section 77-9-20 NMSA 1978, as recompiled, in an  
20 amount not to exceed fifty dollars (\$50.00);

21 ~~[H.]~~ G. a fee for the inspection of [~~cattle,~~  
22 ~~horses, mules and asses~~] livestock pursuant to Section 77-9-38  
23 NMSA 1978 in an amount not to exceed fifty cents (\$.50) per  
24 head [~~with a minimum charge of two dollars (\$2.00)~~] and a  
25 service charge in an amount not to exceed ten dollars (\$10.00)

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1 for each inspection request; provided that the board may not  
2 increase the inspection fee more than ten cents (\$.10) in any  
3 one fiscal year;

4 ~~[I.]~~ H. a fee for the inspection of hides pursuant  
5 to Section 77-9-54 NMSA 1978 in an amount not to exceed fifty  
6 cents (\$.50) per hide [~~with a minimum charge of two dollars~~  
7 ~~(\$2.00)] and a service charge in an amount not to exceed ten  
8 dollars (\$10.00) for each inspection request; provided that  
9 the board may not increase the inspection fee more than ten  
10 cents (\$.10) in any one fiscal year;~~

11 ~~[J. a payment in lieu of fees on the receipt of~~  
12 ~~livestock at a sales ring pursuant to Section 77-10-4 NMSA~~  
13 ~~1978 in an amount not to exceed fifty cents (\$.50) per head~~  
14 ~~for cattle, horses, mules or asses and not to exceed sixteen~~  
15 ~~cents (\$.16) per head for sheep and goats; provided that the~~  
16 ~~board may not increase any payment in lieu of fees more than~~  
17 ~~ten cents (\$.10) in any one fiscal year for cattle nor more~~  
18 ~~than four cents (\$.04) in any one fiscal year for sheep and~~  
19 ~~goats;~~

20 ~~K.]~~ I. a fee for the handling of the proceeds of  
21 the sale of an estray pursuant to Section 77-13-6 NMSA 1978 in  
22 an amount not to exceed ten dollars (\$10.00); [ and

23 ~~L.]~~ J. a fee for the impoundment of trespass  
24 livestock [~~or buffalo~~] pursuant to Section 77-14-36 NMSA 1978  
25 in an amount [~~set by the board~~] not to exceed twenty-five

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1 dollars (\$25.00) per head per day and a reasonable charge for  
2 the moving of trespass livestock [~~or buffalo~~] pursuant to  
3 Section 77-14-36 NMSA 1978 to be set by the board;

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

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

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

13 N. a fee for issuing a certificate of brand  
14 exemption pursuant to Section 77-8-22 or Section 77-9-3 NMSA  
15 1978 in an amount not to exceed fifty dollars (\$50.00). "

16 Section 11. Section 77-9-8 NMSA 1978 (being Laws 1895,  
17 Chapter 6, Section 4, as amended) is recompiled in Chapter 77,  
18 Article 2 NMSA 1978 and is amended to read:

19 "REGISTRATION OF BRANDS AND MARKS-- [~~LIVESTOCK~~] BOARD. --  
20 Except as otherwise authorized by the board, the [livestock]  
21 board is the sole [board] authority for the registration of  
22 brands [and], marks or electronic identification on [horses,  
23 mules, asses, cattle and sheep] livestock in this state. "

24 Section 12. Section 77-9-9 NMSA 1978 (being Laws 1895,  
25 Chapter 6, Section 5, as amended) is recompiled in Chapter 77,

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1 Article 2 NMSA 1978 and is amended to read:

2 "BRAND BOOKS. -- ~~[It is the duty of the New Mexico~~  
3 ~~livestock]~~ The board ~~[to]~~ shall keep a suitable record of all  
4 ~~[the]~~ registered brands, marks and electronic identification  
5 used for the ~~[branding]~~ identification of ~~[horses, mules,~~  
6 ~~asses and any cattle]~~ livestock in this state. "

7 Section 13. Section 77-9-10 NMSA 1978 (being Laws 1895,  
8 Chapter 6, Section 9, as amended) is recompiled in Chapter 77,  
9 Article 2 NMSA 1978 and is amended to read:

10 "RECORDING BEFORE USE--RECORDING FEE--CONFLICTING  
11 BRANDS. --

12 A. A brand ~~[for horses, mules, asses, cattle or~~  
13 ~~sheep]~~ shall not be used until recorded. A facsimile of the  
14 brand and a recording fee ~~[to be]~~ fixed by the board ~~[in a sum~~  
15 ~~not to exceed the amount prescribed by law]~~ shall be forwarded  
16 to the director ~~[of the New Mexico livestock board]~~. One  
17 certified copy of the recorded brand shall be furnished to the  
18 owner of the brand by the director ~~[of the New Mexico~~  
19 ~~livestock board immediately upon]~~ when the brand ~~[being]~~ is  
20 recorded.

21 B. The director ~~[of the board]~~ shall immediately  
22 record the brand unless it has been recorded previously or  
23 conflicts with a prior recorded brand. In that event, the  
24 director ~~[of the board]~~ shall return the facsimile unrecorded  
25 ~~[together with the]~~ and charge a fee for the research.



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1           C. Additional certified copies of brands recorded  
2 may be obtained from the director [~~of the board~~] by the  
3 payment of a fee to be fixed by the board in a sum not to  
4 exceed the amount prescribed by law. "

5           Section 14. Section 77-9-11 NMSA 1978 (being Laws 1905,  
6 Chapter 30, Section 1, as amended) is recompiled in Chapter  
7 77, Article 2 NMSA 1978 and is amended to read:

8           "FEES--DISPOSITION.--The fees [~~to be paid to the director~~  
9 ~~of the board~~] for recording or researching brands and for  
10 furnishing certified copies [~~thereof~~] of the recording or  
11 research shall [~~remain as fixed by law. The fees when~~  
12 ~~received by the director shall~~] be placed to the credit of the  
13 New Mexico livestock board [~~general~~] interim receipts and  
14 disbursements fund. "

15           Section 15. Section 77-9-13 NMSA 1978 (being Laws 1895,  
16 Chapter 6, Section 12, as amended) is recompiled in Chapter  
17 77, Article 2 NMSA 1978 and is amended to read:

18           "BRAND BOOK.-- [~~It is the duty of the executive~~] The  
19 director [~~of the New Mexico livestock board to~~] shall publish  
20 a brand book in which shall be given a facsimile or copy of  
21 all brands recorded in the office of the board, together with  
22 the owner's name and address. The board [~~is authorized to~~]  
23 may publish if it deems best to do so a limited number of  
24 brand books in addition to the number required by the  
25 provisions of this section and to sell them for such price as

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1 the board considers reasonable and proper. The price shall  
2 not be less than the actual cost [ of the same. ~~The board is~~  
3 ~~authorized to revise from time to time the state record of~~  
4 ~~brands by the cancellation of obsolete and unused brands and~~  
5 ~~to provide by regulation for due notice of such revision]. "~~

6 Section 16. Section 77-9-14 NMSA 1978 (being Laws 1895,  
7 Chapter 6, Section 13, as amended) is recompiled in Chapter  
8 77, Article 2 NMSA 1978 and is amended to read:

9 "MORE THAN ONE BRAND UNLAWFUL- - EXCEPTIONS- - PENALTY. - -

10 A. It is unlawful for [~~any~~] an owner of livestock  
11 in originally marking or branding [~~horses, mules, asses or any~~  
12 ~~cattle~~] livestock to make use of or keep up more than one mark  
13 or brand; provided that [~~any~~] an owner may own and possess  
14 [~~animals~~] livestock in different marks or brands if they were  
15 acquired by him by purchase or other lawful manner and  
16 evidenced by a bill of sale [~~in writing, properly~~  
17 ~~acknowledged~~] from the previous owner of the [~~animals~~]  
18 livestock having such brands or from the heirs, executors,  
19 administrators or legal representatives of the owner. [~~Such~~  
20 ~~animals~~] Livestock so acquired shall be branded [~~and~~] or  
21 marked as provided in The Livestock Code by and with the  
22 recorded [~~kept up or running~~] brand [~~and~~] or mark of the  
23 person acquiring the [~~animal within thirty days from the~~  
24 ~~acquisition unless the present owner is given a written~~  
25 ~~statement by the New Mexico livestock board or by the former~~

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1 ~~owner granting permission and filed with the board for the~~  
2 ~~present owner to use the recorded brand appearing on the~~  
3 ~~livestock. In cases where animals having upon them a duly~~  
4 ~~recorded brand may have had established against them a~~  
5 ~~mortgage or other lien duly recorded in this state]~~ livestock.

6 It is lawful for the purpose of identification during the  
7 pendency of [~~the~~] a mortgage or lien to brand the increase of  
8 the [~~animals~~] branded livestock in the recorded brand  
9 designated in the mortgage or lien.

10 B. A brand shall not be altered by placing another  
11 brand on it or in the same location.

12 [~~B.—Any~~] C. A person who unlawfully brands [any]  
13 livestock contrary to the provisions of [this article] The  
14 Livestock Code is guilty of a misdemeanor and [shall] upon  
15 conviction shall be punished [by confinement in the county  
16 jail not to exceed twelve months or fined an amount not to  
17 exceed five hundred dollars (\$500), or both] in accordance  
18 with the provisions of Section 31-19-1 NMSA 1978 for each  
19 offense. "

20 Section 17. Section 77-9-15 NMSA 1978 (being Laws 1895,  
21 Chapter 6, Section 14, as amended) is recompiled in Chapter  
22 77, Article 2 NMSA 1978 and is amended to read:

23 "BRANDS OF MINORS. -- Minors owning [~~horses, mules, asses~~  
24 ~~or any cattle~~] livestock separate from that of the parent or  
25 guardian may have a mark [~~and~~] or brand, which shall be

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1 recorded in accordance with the requirement of [~~this article~~]  
2 The Livestock Code, but the parent or guardian shall be  
3 responsible for the proper use of the mark [~~and~~] or brand by  
4 any minor. "

5 Section 18. Section 77-9-16 NMSA 1978 (being Laws 1912,  
6 Chapter 55, Section 2, as amended) is recompiled in Chapter  
7 77, Article 2 NMSA 1978 and is amended to read:

8 "FILING OF FACSIMILE--DESIGNATION OF BRANDS--HOLDING  
9 BRAND RENEWAL AND FEE--BRANDING INCREASE--OFFENSES--PENALTY.--  
10 [~~It is the duty of every~~] An owner of [~~horses, mules, asses or~~  
11 ~~any cattle~~] livestock desiring to use in branding [~~any~~] a  
12 brand not already [~~duly~~] recorded in the office of the [~~New~~  
13 ~~Mexico livestock~~] board [~~to~~] shall file with the director [~~of~~  
14 ~~the New Mexico livestock board~~] a facsimile of the desired  
15 brand. The owner [~~shall designate his kept-up or running~~  
16 ~~brand and~~] may record [~~other~~] the desired brands as holding  
17 brands upon [~~animals~~] livestock so owned upon furnishing to  
18 the director a full description as to the number, class and  
19 locality of all [~~animals~~] livestock branded with the holding  
20 brand. A fee [~~in an amount prescribed by law~~] shall be  
21 charged for the recording of a holding brand, which recording  
22 shall be valid for a period of one year [~~after which time~~] or  
23 until the described livestock depart the state, whichever  
24 comes first. The recording may be renewed for additional  
25 years by the payment of a fee [~~in an amount prescribed by law~~]

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1 at each yearly renewal; provided that it is unlawful for [ any]  
2 the owner to brand the increase of such [ ~~animals~~] livestock in  
3 any other brand than the recorded [ ~~kept-up-or-running~~] brand  
4 of the owner except in the case of mortgaged [ ~~animals~~]  
5 livestock as provided in Section 77-9-14 NMSA 1978, [ any] as  
6 recompiled. A person who violates the provisions of this  
7 section is guilty of a misdemeanor and [ ~~shall~~] upon conviction  
8 shall be [ ~~confined in the county jail for a period not to~~  
9 ~~exceed twelve months or fined an amount not to exceed five~~  
10 ~~hundred dollars (\$500), or both~~] sentenced in accordance with  
11 the provisions of Section 31-19-1 NMSA 1978 for each offense."

12 Section 19. Section 77-9-20 NMSA 1978 (being Laws 1923,  
13 Chapter 146, Section 1, as amended) is recompiled in Chapter  
14 77, Article 2 NMSA 1978 and is amended to read:

15 "RE-RECORDING OF BRANDS-- NOTICE-- PUBLICATION-- FEES. --

16 A. The board shall [ ~~have the power to and shall~~]  
17 cause all brands now on record to be re-recorded whenever [ it]  
18 the board deems [ it] necessary to clear records of unused  
19 brands. For this purpose, the board shall mail a notice,  
20 addressed to each owner of [ any] a brand now of record with  
21 the board at the [ ~~post office~~] current address shown on the  
22 brand record, requiring the owners of brands to file with the  
23 director [ ~~of the board an exact facsimile of~~] any brand being  
24 on record to the owners. In addition to [ ~~the above~~] this  
25 notice, the board shall [ ~~cause to be published~~] publish in

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1 either English or Spanish or both in at least one newspaper in  
2 each county in this state where there is a newspaper a copy of  
3 ~~[this]~~ the notice to re-record. The publication shall  
4 continue for at least four consecutive weeks.

5 B. Within three months from the date of the first  
6 publication of the notice to re-record, ~~[ it is the duty of~~  
7 ~~all]~~ owners of brands of record in the office of the board  
8 ~~[to]~~ shall file with the director ~~[ of the board a facsimile~~  
9 ~~of]~~ the brands in actual use and recorded by them and pay the  
10 re-recording fee ~~[ for the re-recording of brands shall be~~  
11 ~~fixed by the board in a sum not to exceed the amount~~  
12 ~~prescribed by law for each brand re-recorded the fee to~~  
13 ~~include one certified copy of the rerecording of the brand to~~  
14 ~~be furnished the owner by the board with the proceeds to be~~  
15 ~~used for the cost of notice given as provided in this section;~~  
16 ~~provided that any excess of money from these]~~. The fees shall  
17 be ~~[placed]~~ deposited in the proper fund of the ~~[ New Mexico~~  
18 ~~livestock]~~ board. Re-recording shall not be required more  
19 often than once in ~~[ any]~~ a three-year period. "

20 Section 20. Section 77-3-1 NMSA 1978 (being Laws 1909,  
21 Chapter 9, Section 1, as amended) is amended to read:

22 "77-3-1. ~~[ CONTAGIOUS]~~ DISEASES--INSPECTION--  
23 QUARANTINE. --

24 A. The ~~[ New Mexico livestock]~~ board ~~[ is hereby~~  
25 ~~authorized to]~~ may use all proper means to prevent the

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1 spreading of dangerous and fatal diseases among [~~animals such~~  
2 ~~as cattle, horses, sheep, hogs, mules and asses~~] livestock and  
3 for the extirpation of such diseases. [~~In the event of any~~  
4 ~~contagious or infectious diseases breaking~~] If a disease  
5 breaks out in the state, it is the duty of all persons owning  
6 or having in their charge [~~animals~~] livestock infected [~~with~~  
7 ~~the same~~] to immediately notify the board of the existence of  
8 such disease [~~and it shall be the duty of~~]. The board [~~to~~  
9 shall cause proper examination to be made by a [~~licensed~~  
10 veterinarian and, if the disease [~~shall be~~] is found to be a  
11 dangerously contagious or infectious malady, the board shall  
12 order the diseased [~~animals and such as~~] livestock that have  
13 been exposed [~~to the contagion~~] to be strictly quarantined and  
14 shall order any premises or farms where such disease exists or  
15 has recently existed to be put in quarantine so that no  
16 [~~domestic animal~~] livestock subject to the disease [~~be~~] is  
17 removed from or brought to the premises or places so  
18 quarantined. The [~~New Mexico livestock~~] board shall prescribe  
19 such [~~regulations~~] rules as [~~they may deem~~] it deems necessary  
20 to prevent the [~~contagion~~] disease from being communicated in  
21 any way from the premises so quarantined.

22 B. The [~~New Mexico livestock~~] board may expend  
23 funds to prevent, suppress, control or eradicate any disease  
24 or parasite of livestock [~~which~~] that the board has by  
25 [~~regulation~~] rule declared to be [~~an exotic pest~~] a disease or

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1 pest of significant economic impact to any segment of the  
2 livestock industry. This power shall include the right to  
3 purchase and destroy or sell infected or exposed livestock.

4 C. Whenever the [~~New Mexico livestock~~] board finds  
5 any livestock infested with [~~any exotic pest~~] a disease or  
6 pest declared by the board to be of significant economic  
7 impact, the board [~~is authorized to~~] may request the governor  
8 to declare an emergency as provided in Section 6-7-3 NMSA  
9 1978. "

10 Section 21. Section 77-3-2 NMSA 1978 (being Laws 1909,  
11 Chapter 9, Section 2, as amended) is amended to read:

12 "77-3-2. REPORT OF DISEASED [~~ANIMALS~~] LIVESTOCK--  
13 OFFENSES--EXPENSE RECOVERY--DUTIES OF SHERIFFS-- PENALTY. --

14 A. [~~Any~~] A person [~~firm, corporation, agent or~~  
15 ~~employee having~~] who has in his possession or under his care  
16 any [~~animal which~~] livestock that he knows or has reason to  
17 believe is affected with a [~~dangerously contagious or~~  
18 ~~infectious~~] disease [~~and does not~~] shall without unnecessary  
19 delay [~~make known to~~] tell the board or some member [~~thereof~~]  
20 of the board or [~~to~~] the sheriff of the county in which the  
21 [~~animal~~] livestock is situate [~~to be by him communicated to~~  
22 ~~the board, or any~~]. The sheriff shall immediately notify the  
23 director.

24 B. A person [~~corporation or employee or agent~~  
25 ~~thereof who brings~~] shall not bring into this state or [~~sells~~



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1 ~~or disposes]~~ sell or dispose of any [~~animals]~~ livestock known  
2 to be affected or [~~any animal having been]~~ exposed to [~~such~~  
3 ~~contagion]~~ disease or [~~moves any animal so]~~ move diseased or  
4 exposed livestock from quarantine or [~~moves]~~ move any [~~animal]~~  
5 livestock to or from [~~any districts]~~ a district in the state  
6 declared to be infected with [~~such contagious]~~ a disease or  
7 [~~brings]~~ bring into this state any [~~animal of the kind]~~  
8 diseased livestock from a district outside the state that may  
9 at any time be legally declared to be affected with such  
10 disease without the consent of the board [~~shall]~~.

11 C. A person who violates a provision of Subsection  
12 A or B of this section is guilty of a misdemeanor and upon  
13 conviction [be fined in a sum not less than fifty dollars  
14 (\$50.00) and not exceeding five hundred dollars (\$500)] shall  
15 be sentenced in accordance with the provisions of Section  
16 31-19-1 NMSA 1978 for each head illegally moved.

17 D. Any guard or other proper expenses incurred in  
18 the quarantining of the [~~animals under the provisions of~~  
19 ~~Sections 77-3-1 through 77-3-4, 77-3-9 and 77-3-10 NMSA 1978]~~  
20 livestock shall be paid by the owner, and if the same is  
21 refused, after demand made by order of the board, an action  
22 may be brought to recover the same with costs of suit, which  
23 action may be brought in the name of the state for the use of  
24 the board. It is the duty of all sheriffs to execute all  
25 lawful orders of the board. "

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1           Section 22. Section 77-3-5 NMSA 1978 (being Laws 1917,  
2 Chapter 30, Section 1, as amended) is amended to read:

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

4           A. If a pasture, building, corral, [~~or any~~] yard  
5 or enclosure where [~~cattle or sheep~~] livestock have been or  
6 may be pastured or confined is infected with or has become  
7 dangerous on account of [~~any infectious~~] a disease or  
8 poisonous weed or plant, the board may post danger or  
9 quarantine notices in not less than two conspicuous places in  
10 or upon such pasture, building, corral, [~~or other~~] yard or  
11 enclosure sufficient to warn all owners and others in charge  
12 of [~~sheep or cattle of the nature of such infection, disease~~  
13 ~~or poisonous weed or plant and~~] livestock of the danger or  
14 quarantine. When the danger has passed or the quarantine is  
15 lifted, the board shall require the posted notices to be  
16 removed.

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

21           Section 23. Section 77-3-8 NMSA 1978 (being Laws 1909,  
22 Chapter 9, Section 8, as amended) is amended to read:

23           "77-3-8. DESTRUCTION OF DISEASED [~~ANIMALS~~] LIVESTOCK--  
24 PAYMENT TO THE OWNER--APPRAISAL.--In cases where the board  
25 deems it necessary to destroy any diseased, infected or

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1 exposed ~~[animals]~~ livestock in order to prevent the spread of  
2 dangerous and fatal ~~[disease]~~ diseases such as glanders,  
3 farcy, tuberculosis, pleuro-pneumonia, rinderpest, foot and  
4 mouth disease or any other dangerous and fatal disease,  
5 foreign or other, which according to the rules, regulations  
6 and standards adopted by the United States department of  
7 agriculture animal and plant health inspection service cannot  
8 be extirpated by ~~[dipping or]~~ means other than the destroying  
9 of the diseased, ~~[or]~~ infected ~~[animals]~~ or exposed livestock,  
10 the board ~~[is authorized to]~~ may have ~~[such animals]~~ the  
11 livestock killed and burned or buried under such rules ~~[and~~  
12 ~~regulations]~~ as the board may prescribe. The board shall  
13 ~~[pay, in cooperation]~~ cooperate with the United States  
14 department of agriculture in paying to the owners of ~~[such]~~  
15 the slaughtered ~~[animals]~~ livestock the allowed indemnity  
16 determined by the United States department of agriculture  
17 animal and plant health inspection service and the board."

18 Section 24. Section 77-3-9 NMSA 1978 (being Laws 1909,  
19 Chapter 9, Section 4, as amended) is amended to read:

20 "77-3-9. ACCEPTANCE OF FEDERAL RULES AND REGULATIONS--  
21 COOPERATION.-- The board ~~[is authorized to]~~ may accept on  
22 behalf of the state the rules and regulations prepared by the  
23 secretary of the United States department of agriculture  
24 ~~[under and in pursuance of Section 3 of an act of congress,~~  
25 ~~approved May 29, 1884, which stated "An act for the~~

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1 ~~establishment of a bureau of animal industry for the~~  
2 ~~extirpation of diseased cattle and to provide means for the~~  
3 ~~suppression and extirpation of pleuro-pneumonia and other~~  
4 ~~contagious diseases among domestic animals"]~~ relating to the  
5 control of diseases of livestock and to cooperate with the  
6 authorities of the United States in the enforcement of the  
7 provisions of [~~such act and~~] all [~~other~~] acts and regulations  
8 relating to diseased livestock."

9 Section 25. Section 77-3-10 NMSA 1978 (being Laws 1909,  
10 Chapter 9, Section 5, as amended) is amended to read:

11 "77-3-10. FEDERAL OFFICERS--POWERS.--The representatives  
12 of the United States department of agriculture animal and  
13 plant health inspection service under the specific  
14 authorization of the board [~~shall have the right of~~  
15 ~~inspection, quarantine and condemnation of animals~~] may  
16 inspect, quarantine and condemn livestock affected with [~~any~~  
17 ~~contagious, infectious or communicable~~] a disease or suspected  
18 of being affected with a disease or that have been exposed to  
19 [~~any such~~] a disease and for these purposes [~~are authorized~~  
20 ~~and empowered to~~] may enter any grounds or premises in the  
21 state. [~~They have power to~~] The representatives may call upon  
22 [~~any~~] peace officers to assist them in the discharge of their  
23 duties as specified by the board in carrying out [~~the~~  
24 ~~provisions of the act of congress~~] federal laws and  
25 regulations as provided in Section 77-3-9 NMSA 1978 [~~and it is~~

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1 ~~the duty of~~. The peace officers [~~to~~] shall assist [~~them~~] the  
2 representatives when so requested [~~The inspectors of the board~~  
3 ~~shall have the same powers and protection as peace officers~~  
4 ~~while engaged in the discharge of their duties~~] and authorized  
5 by the board. "

6 Section 26. Section 77-3-11 NMSA 1978 (being Laws 1949,  
7 Chapter 48, Section 1, as amended) is amended to read:

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

21 Section 27. Section 77-3-12 NMSA 1978 (being Laws 1949,  
22 Chapter 48, Section 2, as amended) is amended to read:

23 "77-3-12. PENALTY. -- [~~Any~~] A person [~~firm, company or~~  
24 ~~corporation violating the provisions of~~] who fails to identify  
25 his animals as required by Section 77-3-11 NMSA 1978 is guilty

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1 of a misdemeanor [~~and upon conviction thereof shall be fined~~  
2 ~~in an amount not less than fifty dollars (\$50) nor more than~~  
3 ~~two hundred dollars (\$200)] for each [~~animal~~] head in  
4 violation and upon conviction shall be sentenced in accordance  
5 with the provisions of Section 31-19-1 NMSA 1978. "~~

6 Section 28. Section 77-3-13 NMSA 1978 (being Laws 1889,  
7 Chapter 106, Section 8, as amended) is amended to read:

8 "77-3-13. DANGEROUS EPIDEMICS-- [~~PROCLAMATION~~] EMERGENCY  
9 RULES-- IMPORTS PROHIBITED-- PENALTY. -- [~~Whenever it comes to the~~  
10 ~~knowledge of~~]

11 A. When the board or any of its authorized  
12 representatives finds that [~~any contagious or infectious~~] a  
13 disease, the nature of which is known to be fatal or highly  
14 injurious to livestock, pigeons or [~~fowls~~] fowl of any kind,  
15 has become epidemic or exists in [~~any~~] a locality in [~~any~~] a  
16 country, state or territory beyond the limits of this state  
17 [~~it shall immediately communicate the fact to the governor in~~  
18 ~~writing, and thereupon or when the governor shall otherwise~~  
19 ~~have good reason to believe that any such disease so exists or~~  
20 ~~has become epidemic~~], the [~~governor~~] board shall immediately  
21 [~~issue and publish by a general proclamation such~~] adopt and  
22 promulgate emergency rules [~~and regulations as the board may~~  
23 ~~adopt and thereby~~] to prohibit the importation into this state  
24 of any animals, including livestock, subject to the disease  
25 [~~which~~] that may be so reported [~~except under~~].

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1           B. The board shall specify such restrictions and  
2 safeguards as ~~[the board]~~ it deems proper and shall specify  
3 for the protection of ~~[such animals]~~ livestock in this state  
4 and may also prohibit the importation into this state of any  
5 hoofs, hides, skins or meat of any ~~[livestock]~~ animals or any  
6 hay, straw fodder, cottonseed or other products or material  
7 calculated to carry the infection of such disease.

8           C. Emergency rules may be adopted and promulgated  
9 without the notice and hearing required of other rules and  
10 shall take effect immediately. If the board contemplates that  
11 an emergency rule will be in effect for longer than ninety  
12 days, it shall give notice and hold a hearing to adopt the  
13 emergency rule as a rule.

14           D. Any person ~~[company or corporation who after~~  
15 ~~the publication of the proclamation receives in charge of any~~  
16 ~~of the animals or any of the products previously provided for~~  
17 ~~in this section, the importation of which into this state has~~  
18 ~~been so prohibited, or shall drive, transport or in any manner~~  
19 ~~convey the animals or products to and within the limits of~~  
20 ~~this state or shall knowingly cause or procure the animals or~~  
21 ~~products to be driven, transported or conveyed into this state~~  
22 ~~in violation of the proclamation by driving, conveying or~~  
23 ~~transporting or aiding therein or causing or procuring to be~~  
24 ~~driven, conveyed or transported into this state any of the~~  
25 ~~animals or any of the products, the importation of which is by~~

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1 ~~the proclamation declared to be unlawful~~ who violates any  
2 provision of this section or an emergency rule issued in  
3 accordance with this section is guilty of a misdemeanor and  
4 upon conviction shall be ~~[ fined not less than one hundred~~  
5 ~~dollars (\$100) nor more than five thousand dollars (\$5,000)]~~  
6 sentenced in accordance with the provisions of Section 31-19-1  
7 NMSA 1978 for each ~~[offense]~~ head and is also liable in a  
8 civil action for any ~~[and all]~~ damages and loss sustained by  
9 reason of such importation of the ~~[ animals]~~ livestock or of  
10 any of the products provided for in this section. "

11 Section 29. Section 77-3-14 NMSA 1978 (being Laws 1889,  
12 Chapter 106, Section 9, as amended) is amended to read:

13 "77-3-14. HEALTH CERTIFICATE--INSPECTION--PERMIT--  
14 PENALTY.--

15 A. After the issuance ~~[ and publication of such~~  
16 ~~proclamation by the governor]~~ of an emergency rule pursuant to  
17 the provisions of Section 77-3-13 NMSA 1978 and while the  
18 ~~[proclamation]~~ emergency rule continues in force ~~[ or while the~~  
19 ~~prohibition against the importation of livestock from any~~  
20 ~~other state or country is in force]~~, it is unlawful for ~~[ any]~~  
21 a person ~~[ company or corporation]~~ to drive or transport or  
22 cause ~~[ to procure]~~ to be driven or transported into this state  
23 any livestock that by any direct or circuitous route might  
24 have come from any place or district covered by ~~[ such~~  
25 ~~prohibitions]~~ the emergency rule without first having obtained



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1 a certificate of health from a veterinarian or a permit in  
2 writing from the board under such rules [ ~~and regulations~~] as  
3 the board prescribes [ ~~and publishes for the information of the~~  
4 ~~public.~~ ~~Any~~].

5 B. A person failing to comply with this provision  
6 [ ~~after due notice~~] is guilty of a misdemeanor and upon  
7 conviction shall be [ ~~finned not less than five hundred dollars~~  
8 ~~(\$500) nor more than five thousand dollars (\$5,000)~~] sentenced  
9 in accordance with the provisions of Section 31-19-1 NMSA 1978  
10 and is also personally liable for all loss and damages  
11 sustained by any persons by reason of the introduction of [ ~~any~~  
12 ~~contagious or infectious~~] a disease from the livestock [ ~~so~~  
13 unlawfully imported into this state.

14 C. During the time covered by the [ ~~proclamation~~]  
15 emergency rule, all livestock desiring to enter the state  
16 [ ~~must~~] shall submit to an inspection and [ ~~they~~] shall not be  
17 permitted to enter the state until a written or printed permit  
18 is issued by the board. [ ~~Any person~~] A livestock inspector or  
19 other agent of the board may require the person in charge of  
20 the livestock to produce the permit for his inspection, and  
21 any person refusing to produce the permit at any time within a  
22 year from the time the livestock were driven in is guilty of  
23 [ ~~the violation of this law and is subject to all the penalties~~  
24 ~~provided by this section~~] a misdemeanor and upon conviction  
25 shall be sentenced in accordance with the provisions of

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1 Section 31-19-1 NMSA 1978. "

2 Section 30. Section 77-3-14.1 NMSA 1978 (being Laws  
3 1993, Chapter 248, Section 28) is amended to read:

4 "77-3-14.1. AGID TESTS REQUIRED. --The board shall adopt  
5 [~~regulations~~] rules prohibiting the driving or transporting  
6 into this state of any horses or other equidae that have not  
7 tested negative to the AGID, or Coggins, test or a United  
8 States department of agriculture-approved equivalent test for  
9 equine infectious anemia within twelve months prior to the  
10 date of entry, the evidence of which test result shall be  
11 shown on a health certificate; excepting from regulation only  
12 those foals accompanied in shipment by a negative-tested dam,  
13 those horses or other equidae consigned directly to slaughter  
14 [~~or cattle or sheep~~]. "

15 Section 31. Section 77-4-1 NMSA 1978 (being Laws 1905,  
16 Chapter 31, Section 1, as amended) is amended to read:

17 "77-4-1. [~~INFECTIOUS~~] DISEASE ERADICATION-- [~~REGULATIONS~~]  
18 RULES. --The board [~~has the power and it is its duty to~~] shall  
19 determine the existence of and employ the most efficient and  
20 practical means to prevent, suppress, control and eradicate  
21 the disease known as mange or scabies or any [~~contagious or~~  
22 ~~infectious~~] other disease among livestock and to direct and  
23 regulate the handling [~~dipping~~] or treating of any livestock  
24 when infected or [~~which~~] that it may have good reason to  
25 believe [~~to have~~] has been exposed to any of the diseases; to

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1 make and adopt quarantine and sanitary [~~regulations, provided~~  
2 ~~that all such regulations shall~~] rules that, so far as  
3 practicable, conform to the regulations of the United States  
4 department of agriculture as they may be from time to time  
5 promulgated; and to create and define districts within which  
6 such disease exists [~~provided further, that~~]. In determining  
7 the districts within this state in which such disease from  
8 time to time exists, the board shall cooperate with the United  
9 States department of agriculture. [~~A majority of the board~~  
10 ~~shall constitute a quorum and the board may exercise any of~~  
11 ~~the powers conferred upon it by Sections 77-4-1 through 77-4-8~~  
12 ~~NMSA 1978 inclusive through committees of its own members~~  
13 ~~specially empowered by resolution.~~] The costs of treatment of  
14 livestock pursuant to this section are the responsibility of  
15 the owner of the livestock."

16 Section 32. Section 77-4-8 NMSA 1978 (being Laws 1905,  
17 Chapter 31, Section 8, as amended) is amended to read:

18 "77-4-8. OFFENSES--PENALTY. -- [~~Any owner, or person~~  
19 ~~having control of any of said livestock, or any other person~~  
20 ~~whether an officer or employee of said board or a private] A  
21 person who [shall wilfully violate] willfully violates any  
22 provisions of Sections [98 to 105] 77-4-1 through 77-4-8 NMSA  
23 1978 or [regulations or orders lawfully made] rules  
24 promulgated in conformity [therewith] with those sections or  
25 who [shall] in any manner [hinder or obstruct] hinders,~~

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1 obstructs or resists the execution of [~~any such regulation or~~  
2 ~~order or hinder, resist or obstruct any~~] a rule or hinders,  
3 obstructs or resists an officer or employee of [~~said~~] the  
4 board [~~or the state veterinarian or any inspector~~] in the  
5 discharge of his duty or in the exercise of his lawful powers  
6 or who [~~shall wilfully~~] willfully or negligently [~~break~~]  
7 breaks any quarantine or [~~wilfully~~] willfully or negligently  
8 [~~suffer~~] suffers any quarantined [~~animal or animals~~] livestock  
9 to escape from any quarantine [~~shall be deemed~~] is guilty of a  
10 misdemeanor and upon conviction shall be [~~finned not less than~~  
11 ~~fifty dollars (\$50.00) nor more than five hundred dollars~~  
12 ~~(\$500.00) or imprisoned for not less than thirty (30) days nor~~  
13 ~~more than six (6) months or both~~] sentenced in accordance with  
14 the provisions of Section 31-19-1 NMSA 1978. "

15 Section 33. Section 77-5-1 NMSA 1978 (being Laws 1929,  
16 Chapter 159, Section 1, as amended) is amended to read:

17 "77-5-1. TUBERCULOSIS--EXAMINATIONS.--The board [ ~~has~~  
18 ~~power to~~] may make tests and examinations for the purpose of  
19 ascertaining whether [~~or not~~] any domestic [~~animals~~] livestock  
20 in the state are affected with tuberculosis. [ ~~Such~~] The tests  
21 or examinations shall be made by veterinarians of the board,  
22 inspectors of the United States department of agriculture  
23 animal and plant health inspection service or other  
24 veterinarians authorized by the board to perform [ ~~such~~] the  
25 tests and examinations. "

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1           Section 34. Section 77-5-2 NMSA 1978 (being Laws 1929,  
2 Chapter 159, Section 2, as amended) is amended to read:

3           "77-5-2. INFECTED LIVESTOCK--DESTRUCTION. --If, upon  
4 making any tests or examinations as provided for in [ ~~this~~]  
5 Chapter 77, Article 5 NMSA 1978, it [ ~~should appear~~ ] appears  
6 that any [ ~~cattle, hogs or poultry~~ ] livestock are [ ~~affected~~ ]  
7 infected with tuberculosis and that the public interest would  
8 be best served through the destruction of [ ~~such animals, it is~~  
9 ~~the duty of~~ ] the livestock, the board [ ~~to~~ ] shall cause the  
10 destruction [ ~~thereof~~ ] of the livestock in a manner deemed most  
11 expedient. "

12           Section 35. Section 77-5-5 NMSA 1978 (being Laws 1929,  
13 Chapter 159, Section 5) is amended to read:

14           "77-5-5. OFFENSES--PENALTY. -- [ ~~Any~~ ] A person [ ~~or~~  
15 ~~corporation~~ ], whether acting as a common carrier or otherwise,  
16 who [ ~~shall bring~~ ] brings into [ ~~the state of~~ ] New Mexico any  
17 dairy cattle of the kind described in Section [ ~~4, hereof~~ ]  
18 77-5-4 NMSA 1978 in violation of the provisions of [ ~~this act~~ ]  
19 Chapter 77, Article 5 NMSA 1978 or of any of the rules [ ~~and~~  
20 ~~regulations adopted~~ ] promulgated by the [ ~~New Mexico Cattle~~  
21 ~~Sanitary~~ ] board for the enforcement of [ ~~this Act, shall be~~  
22 ~~deemed~~ ] that article is guilty of a misdemeanor and [ ~~shall~~ ]  
23 upon conviction [ ~~be punished by a fine of not less than~~  
24 ~~(\$25.00) nor more than \$100.00 or by imprisonment in the~~  
25 ~~county jail for not less than thirty days nor more than six~~

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1 ~~months~~ shall be sentenced in accordance with the provisions  
2 of Section 31-19-1 NMSA 1978. "

3 Section 36. Section 77-8-2 NMSA 1978 (being Laws 1951,  
4 Chapter 188, Section 11) is amended to read:

5 "77-8-2. QUARANTINE- - ~~[ DIPPING ]~~ TREATMENT. -- Sheep or  
6 goats afflicted with or exposed to ~~[ scabies or other~~  
7 ~~infectious or contagious]~~ a disease shall be immediately  
8 placed under quarantine under the supervision of a  
9 veterinarian or inspector in conformity with the rules ~~[ and~~  
10 ~~regulations]~~ of the board. ~~[ Said]~~ The sheep or goats shall  
11 not be moved from the quarantine area except ~~[ to dipping vats]~~  
12 under the supervision of a veterinarian or inspector until a  
13 veterinarian ~~[ or inspector]~~ declares them to be free of ~~[ said]~~  
14 disease or until the board otherwise grants permission for the  
15 moving of the sheep or goats. The sheep or goats shall be  
16 ~~[ dipped or]~~ treated under the direction of a veterinarian or  
17 inspector at once and thereafter as often as necessary until  
18 they are declared free of the disease by a veterinarian or  
19 inspector. ~~[ Provided, however, that no sheep shall be~~  
20 ~~required to be dipped during such inclement weather as would~~  
21 ~~endanger their health or lives except at the request of the~~  
22 ~~owner.] "~~

23 Section 37. Section 77-8-3 NMSA 1978 (being Laws 1951,  
24 Chapter 188, Section 12, as amended) is amended to read:

25 "77-8-3. IMPORTATION- - NOTICE- - INSPECTION- - FEES. --

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

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

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

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

21 Section 38. Section 77-8-5 NMSA 1978 (being Laws 1951,  
22 Chapter 188, Section 14) is amended to read:

23 "77-8-5. INFECTED SHEEP OR GOATS--NOTICE TO BOARD. -- [~~It~~  
24 ~~shall be the duty of any~~] A person [~~owning or having~~] who owns  
25 or has under his control sheep [~~which have become~~] or goats



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1 that have been exposed to or infected with [~~scabies or any~~  
2 ~~other contagious or infectious~~] a reportable disease [~~to~~  
3 shall forthwith report such fact to the [~~secretary~~] director.  
4 A veterinarian [~~or inspector~~] shall be immediately dispatched  
5 to examine [~~said~~] the sheep or goats and, if found to be so  
6 exposed or infected, the veterinarian or inspector shall  
7 follow the quarantine [~~dipping~~] and treating provisions set  
8 forth in Section [~~44~~] 77-8-2 NMSA 1978. "

9 Section 39. Section 77-8-7 NMSA 1978 (being Laws 1951,  
10 Chapter 188, Section 16, as amended) is amended to read:

11 "77-8-7. EXPORTATION--NOTICE--INSPECTION AND PERMIT  
12 FEES--PENALTY. --

13 A. [~~Any~~] A person intending to ship sheep [~~out~~] or  
14 goats beyond the limits of the district or the limits of the  
15 state shall give notice of his intention to the director [~~of~~  
16 ~~the board~~] or to the inspector for his district by [~~telegraph~~]  
17 certified letter or by delivery in person or by telephone to  
18 the director or inspector so that the notice is received [~~at~~  
19 ~~least forty-eight hours~~] in a reasonable time previous to the  
20 proposed date of shipment. The notice shall state the date  
21 and place that the sheep or goats will be loaded and  
22 destination of the sheep or goats. The board may require an  
23 inspector [~~shall examine~~] to inspect the sheep or goats as to  
24 their sanitary conditions [~~and inspect~~] and make a record of  
25 all the marks and brands upon the sheep [~~He~~] or goats or the

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1 board may provide by rule an alternate means of allowing the  
2 movement of sheep or goats. The inspector shall not allow  
3 sheep or goats bearing any of the marks declared by the law of  
4 this state to be unlawful to be shipped except under express  
5 authority of the board. [~~He~~] The inspector shall also require  
6 each person shipping sheep [~~out of the state~~] or goats to  
7 exhibit a bill of sale executed as provided by Section  
8 77-8-15 NMSA 1978 or authority in writing to ship the sheep or  
9 goats from the recorded owner of all marks and brands upon the  
10 sheep or goats unless the person is himself the recorded owner  
11 of the marks and brands.

12 B. The inspector shall issue to the shipper a New  
13 Mexico livestock board form-1 certificate of inspection or  
14 other document or permit approved by the board if he is fully  
15 satisfied that the sheep or goats are free from [~~any~~  
16 ~~contagious or infectious~~] disease and that the person shipping  
17 has rightful ownership of [~~said~~] the sheep or goats as  
18 evidenced by the brands or marks and bill of sale [~~as~~  
19 ~~necessary and~~] or has complied with the board's alternative  
20 method as provided for in this section and all other  
21 applicable rules [~~and regulations~~] of the board. This  
22 certificate or permit shall authorize the shipping of the  
23 sheep and goats out of the state.

24 C. A fee to be fixed by the board in a sum not to  
25 exceed the amount prescribed by law shall be charged for the

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1 inspection and certificates, and the inspector shall refuse to  
2 issue the [~~above~~] certificates until he has been paid the fee.  
3 The board shall charge a fee not to exceed the amount  
4 prescribed by law for issuing the permits allowed in this  
5 section in lieu of inspection. The inspector shall make a  
6 report to the director after each inspection of any matters  
7 contained in this section [~~which~~] that may be required of him  
8 by the director.

9 D. A person who knowingly ships sheep or goats  
10 from one district to another district without an inspection  
11 certificate is guilty of a misdemeanor and shall be sentenced  
12 in accordance with the provisions of Section 31-19-1 NMSA  
13 1978. A person who knowingly ships sheep or goats outside the  
14 state without an inspection certificate is guilty of a fourth  
15 degree felony and shall be sentenced in accordance with the  
16 provisions of Section 31-18-15 NMSA 1978. "

17 Section 40. Section 77-8-14 NMSA 1978 (being Laws 1951,  
18 Chapter 188, Section 26) is amended to read:

19 "77-8-14. ALTERING MARKS [~~NOTICE--SUPERVISION~~] OR  
20 BRANDS. --No person shall alter the mark or brand on his or any  
21 other sheep or goats, [~~irrespective of whether such person~~  
22 ~~desires to place his recorded mark on such sheep~~] without  
23 first having secured written permission from the [~~secretary or~~  
24 ~~an inspector~~] the director and unless an inspector is present  
25 to supervise the alteration. "

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1 Section 41. Section 77-8-15 NMSA 1978 (being Laws 1951,  
2 Chapter 188, Section 27) is amended to read:

3 "77-8-15. BILLS OF SALE--EVIDENCE OF LARCENY. -- [ No]

4 A. A duly executed bill of sale is an instrument  
5 in writing by which the owner or his authorized agent  
6 transfers to the buyer the title to the sheep or goat  
7 described in the bill of sale and guarantees to defend the  
8 title against all lawful claims. It shall fully describe in  
9 detail the sheep or goat, and such description shall include  
10 marks, brands and all other identification. The bill of sale  
11 shall be executed the day of the transaction.

12 B. A purchase sheet properly executed by a  
13 licensed livestock auction market constitutes a valid bill of  
14 sale.

15 C. A registration certificate issued by a  
16 recognized pure-bred association, properly identifying the  
17 animal and properly acknowledged by the secretary of the  
18 association, may be used as proof of ownership.

19 D. An inspection certificate executed as a bill of  
20 sale and certified by inspector may be used as proof of  
21 ownership.

22 E. A person shall not sell [nor shall any person]  
23 or buy sheep or goats unless [the seller gives to the  
24 purchaser and the purchaser receives from the seller] a bill  
25 of sale [which fully describes the sheep by their marks,

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1 ~~brands, number and class and is duly acknowledged before some~~  
2 ~~officer authorized by law to take acknowledgments] is~~  
3 provided. The possession by [~~any~~] a person of sheep or goats  
4 having any mark or brand [~~but~~] not his recorded mark or brand  
5 unless he [~~have~~] has a bill of sale [~~therefor~~] or authority in  
6 writing to possess or sell such sheep or goats shall be taken  
7 as prima facie evidence that he committed larceny of [~~said~~]  
8 the sheep or goats and shall be sufficient for his conviction  
9 of larceny unless the evidence [~~shall show~~] shows his  
10 innocence. "

11 Section 42. Section 77-8-16 NMSA 1978 (being Laws 1951,  
12 Chapter 188, Section 28) is amended to read:

13 "77-8-16. REPORT OF ESTRAY SHEEP OR GOATS--SALE. -- [~~Any~~]  
14 A person finding estray sheep or goats shall immediately  
15 report them to an inspector or the [~~secretary~~] director and  
16 deliver them to an inspector upon [~~his or the secretary's~~]  
17 demand [~~therefor~~]. If the mark or brand on the sheep or goat  
18 is recorded in the board office, the [~~secretary~~] director  
19 shall notify the owner of record and make arrangements to  
20 deliver the sheep [~~of said~~] or goats to the owner of record if  
21 he is the actual owner. If the owner of record no longer owns  
22 the sheep or goats, the [~~secretary~~] director shall deliver  
23 them to [~~a~~] the subsequent purchaser who can prove ownership  
24 with a valid bill of sale. In either case [~~above~~], delivery  
25 shall be conditioned upon payment by the claimant of all costs

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1 incurred in keeping the sheep or goats and such other expenses  
2 as may have been necessarily incurred. If the owner cannot be  
3 ascertained after [~~deligent~~] diligent inquiry, the [~~secretary~~]  
4 director shall order an inspector to sell them to the person  
5 paying the highest cash price for them after giving [~~such~~]  
6 general or special notice or advertising as [~~he~~] the director  
7 deems necessary under the circumstances. The [~~moneys~~] money  
8 arising from the sale shall be used first to defray the costs  
9 and expenses in keeping and advertising the sheep or goats and  
10 those incurred in the sale. The residue, if any, shall be  
11 placed in the board fund; provided, however, that if at any  
12 time within [~~one (1) year~~] two years after the sale any person  
13 shall prove ownership of the sheep or goats at the time they  
14 became lost, the residue shall be paid to him "

15 Section 43. Section 77-8-18 NMSA 1978 (being Laws 1951,  
16 Chapter 188, Section 30) is amended to read:

17 "77-8-18. PENALTIES. -- [~~Any~~] A person who violates the  
18 provisions of [Sections 11, 12, 16, or 26 of this act] Section  
19 77-8-2, 77-8-3, 77-8-14 or 77-8-22 NMSA 1978 or rules [and  
20 regulations made in pursuance thereof] adopted pursuant to any  
21 of those sections is guilty of a misdemeanor for each head  
22 and, upon [his] conviction [before any justice of the peace or  
23 district court in this state, shall be fined in any sum not  
24 less than fifty dollars (\$50.00) nor more than five hundred  
25 dollars (\$500) and in addition thereto may at the discretion

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1 ~~of the court trying the case be imprisoned in jail for any~~  
2 ~~period of time not to exceed six (6) months]~~ shall be  
3 sentenced in accordance with the provisions of Section 31-19-1  
4 NMSA 1978. "

5 Section 44. Section 77-8-20 NMSA 1978 (being Laws 1963,  
6 Chapter 129, Section 6) is amended to read:

7 "77-8-20. COMMUTING SHEEP OR GOATS--FEES.--

8 A. For the purpose of this section, "commuting  
9 sheep or goats" means sheep or goats that are transferred  
10 [~~(1)~~] from New Mexico to some other state with which New  
11 Mexico shares a common boundary and back again or [~~(2)~~] from  
12 some other state [~~which~~] that shares a common boundary with  
13 New Mexico, to New Mexico and back again:

14 [~~(3)~~] (1) during any twelve-month period;  
15 [~~(4)~~] (2) by one owner; and  
16 [~~(5)~~] (3) for the purpose of seasonal  
17 grazing, breeding, [~~or~~] lambing or kidding on lands owned or  
18 leased by that owner in the course of his normal operations in  
19 each of the two states.

20 B. Owners of commuting sheep or goats shall have  
21 them inspected for each movement [~~but~~] and shall pay the  
22 inspection fees for [~~transporting commuting~~] the sheep [~~only~~  
23 ~~once in any twelve-month period. For the second movement in~~  
24 ~~any twelve-month period, the owner shall pay the inspection~~  
25 ~~fees on any sheep over the number involved in the first~~

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1 ~~movement. If at any time the owner of commuting sheep~~  
2 ~~transports them for any purpose other than their regular~~  
3 ~~commuting, they shall at that time lose their special~~  
4 ~~character of commuting sheep and be subject to the fees] or~~  
5 goats normally required by law. "

6 Section 45. A new Section 77-8-22 NMSA 1978 is enacted  
7 to read:

8 "77-8-22. [NEW MATERIAL] NECESSITY OF BRANDING OR  
9 MARKING SHEEP AND GOATS. --

10 A. A person owning sheep or goats shall have and  
11 adopt a brand for them except for registered sheep or goats  
12 that are properly identified by legible tattoos and whose  
13 owner has been issued a certificate of brand exemption for his  
14 flock by the board. The brand shall be applied by any method  
15 approved by the board. Each brand shall be recorded in the  
16 office of the board. The board may provide for the use of a  
17 mark in lieu of the owner's brand if the mark is recorded in  
18 conjunction with the brand.

19 B. Unbranded or unmarked sheep or goats, except  
20 offspring with a branded or marked mother, shall be subject to  
21 seizure by a peace officer or inspector and shall be handled  
22 and disposed of in the same manner as is provided for the  
23 handling and disposal of estrays.

24 C. Sheep or goats that are purchased shall be  
25 rebranded or remarked by the new owner with his recorded brand



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1 or mark within thirty days of the purchase date unless he is  
2 given special permission by the board or the former owner to  
3 use the former owner's recorded brand or mark on the sheep or  
4 goats. "

5 Section 46. A new section of Chapter 77, Article 9 NMSA  
6 1978 is enacted to read:

7 "[NEW MATERIAL] DEFINITION. --As used in Chapter 77,  
8 Article 9 NMSA 1978, "livestock" means horses, asses, mules,  
9 or cattle. "

10 Section 47. Section 77-9-3 NMSA 1978 (being Laws 1895,  
11 Chapter 6, Section 1, as amended) is amended to read:

12 "77-9-3. NECESSITY OF BRAND--REBRANDING REQUIRED--  
13 EXCEPTIONS. --

14 A. [~~Every~~] A person [~~firm, company or corporation~~  
15 ~~owning horses, mules, asses or any cattle~~] who owns livestock  
16 shall have and adopt a brand for [~~the animals~~] them. The  
17 brand shall be applied with a hot iron on each animal except  
18 registered [~~animals which~~] livestock that are properly  
19 identified by a legible tattoo and whose owner has been issued  
20 a certificate of brand exemption for his herd by the board.  
21 Each brand shall be recorded in the office of the board.

22 B. [~~Any~~] Unbranded livestock, [~~excepting~~] except  
23 offspring with a branded mother or offspring with a mother  
24 properly identified as provided in Subsection E of this  
25 section, shall be subject to seizure by [~~any~~] a peace officer

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1 or ~~[any duly authorized]~~ livestock inspector ~~[appointed by the~~  
2 ~~board]~~ and shall be handled and disposed of in the same manner  
3 as is provided for the handling and disposal of estrays.

4 C. ~~[Any]~~ Livestock that is purchased ~~[must]~~ shall  
5 be rebranded by the new owner with his recorded brand within  
6 thirty days, ~~[of the purchase date unless he is given special~~  
7 ~~permission by the board or by the former owner to use the~~  
8 ~~recorded brand of the seller appearing on the livestock]~~  
9 except as provided in Section 77-9-4 NMSA 1978.

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

22 E. This section does not apply to a person who  
23 owns cattle in confinement at a dairy or feedlot and who has  
24 elected to identify his cattle by an alternative means  
25 approved by the board for cattle held in those facilities. If

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1 cattle held in confinement and identified in accordance with  
2 this subsection are removed from confinement and otherwise  
3 held in the state, the provisions of Subsection A of this  
4 section shall be met prior to removal, unless the cattle are  
5 being delivered to an approved auction. "

6 Section 48. Section 77-9-4 NMSA 1978 (being Laws 1961,  
7 Chapter 4, Section 1, as amended) is amended to read:

8 "77-9-4. PENALTY FOR FAILURE TO BRAND OR REBRAND- -  
9 CERTAIN SALES PROHIBITED. - -

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

20 B. The bill of sale [ ~~must~~ ] shall contain a written  
21 statement by the former owner granting permission to the  
22 present owner to use the recorded brand appearing on the  
23 livestock, listed in the bill of sale and filed with the  
24 board; otherwise the livestock [ ~~must~~ ] shall be rebranded  
25 within thirty days from the date of purchase.

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1 C. ~~[No]~~ A person shall not sell, buy or receive  
2 any livestock in the state unless the livestock is branded or  
3 has other means of identification acceptable to the board  
4 except livestock directly imported from another state. Except  
5 as provided in Section 77-9-16 NMSA 1978, as recompiled, all  
6 livestock shall be branded with a New Mexico brand within  
7 thirty days of entry into the state.

8 D. ~~[Any individual, corporation, partnership or~~  
9 ~~association that]~~ A person who violates the provisions of  
10 either Section 77-9-3 NMSA 1978 or this section is guilty of a  
11 ~~[petty]~~ misdemeanor and upon conviction shall be ~~[ fined not~~  
12 ~~less than fifty dollars (\$50.00) nor more than three hundred~~  
13 ~~dollars (\$300) upon conviction]~~ sentenced in accordance with  
14 Section 31-19-1 NMSA 1978 for each [offense] head. "

15 Section 49. Section 77-9-5 NMSA 1978 (being Laws 1895,  
16 Chapter 6, Section 2, as amended) is amended to read:

17 "77-9-5. BRANDS OF LIVESTOCK -- RECORDING -- EVIDENCE OF  
18 OWNERSHIP. -- No brands of livestock except ~~[such as are]~~ those  
19 recorded [under] pursuant to the provisions of ~~[this Article]~~  
20 The Livestock Code and are peeled ~~[and fully healed]~~ shall be  
21 recognized in law as evidence of ownership of the ~~[ horses,~~  
22 ~~mules, asses or neat cattle]~~ livestock upon which the brand is  
23 used unless the owner has other means of identification,  
24 including freeze brands and freeze mark identification, ~~[ which~~  
25 ~~shall be]~~ that is recognized as evidence of ownership for

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1 horses, mules or asses."

2 Section 50. Section 77-9-22 NMSA 1978 (being Laws 1971,  
3 Chapter 196, Section 2) is amended to read:

4 "77-9-22. BILLS OF SALE--REQUIREMENTS-- EVIDENCE OF  
5 LARCENY. --

6 A. A duly executed bill of sale is an instrument  
7 in writing by which the owner or his authorized agent  
8 transfers to the buyer the title to livestock described  
9 ~~[therein]~~ in the bill of sale and guarantees to defend ~~[said]~~  
10 the title against all lawful claims. It shall fully describe  
11 in detail the livestock, and such description shall include  
12 marks, brands and all other identification.

13 B. ~~[The seller shall sign his name to and write in~~  
14 ~~the bill of sale his social security or driver's license~~  
15 ~~number and his post office address in the presence of two~~  
16 ~~witnesses who are legal residents of the county where the~~  
17 ~~transfer of the described animals takes place. The witnesses~~  
18 ~~shall sign their names and indicate their post office~~  
19 ~~addresses on the bill of sale.]~~ The bill of sale shall be  
20 executed the day of the transaction.

21 ~~[C. In lieu of the signatures of two witnesses,~~  
22 ~~the bill of sale may be acknowledged by a notary public or~~  
23 ~~other officer authorized to take acknowledgments or may be~~  
24 ~~witnessed and certified by an inspector of the livestock~~  
25 ~~board.]~~

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1                    C. A purchase sheet properly executed by a  
2                    licensed livestock auction market constitutes a valid bill of  
3                    sale.

4                    D. A registration certificate issued by a  
5                    recognized pure-bred association, properly identifying the  
6                    animal and properly acknowledged by the secretary of the  
7                    association, may be used as proof of ownership.

8                    E. An inspection certificate executed as a bill of  
9                    sale and certified by [~~a duly authorized livestock~~] an  
10                    inspector [~~of the New Mexico livestock board~~] may be used as  
11                    proof of ownership.

12                    F. The possession by any person of livestock  
13                    having a brand not his recorded brand unless he has a bill of  
14                    sale or authority in writing to possess or sell the livestock  
15                    shall be take as prima facie evidence that he committed  
16                    larceny of the livestock and shall be sufficient for his  
17                    conviction of larceny unless the evidence shows his  
18                    innocence. "

19                    Section 51. Section 77-9-23 NMSA 1978 (being Laws 1884,  
20                    Chapter 47, Section 13, as amended) is amended to read:

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

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

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1 the reasonable request of [~~any~~] an inspector or other peace  
2 officer. [~~Any~~] A person who fails to produce the bill of sale  
3 required in Section [~~47-9-19 NMSA 1953~~] 77-9-21 NMSA 1978 or  
4 who is unable to exhibit other written evidence of ownership  
5 or legal possession is guilty of a [~~petty~~] misdemeanor and  
6 shall be sentenced in accordance with the provisions of  
7 Section 31-19-1 NMSA 1978.

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

18 Section 52. Section 77-9-26 NMSA 1978 (being Laws 1921,  
19 Chapter 159, Section 1, as amended) is amended to read:

20 "77-9-26. SALE BY PERSON NOT BRAND OWNER--BILL OF  
21 SALE. -- [~~Every~~] A person [~~firm or corporation~~] in this state  
22 who sells, transfers or delivers to [~~any~~] another person [~~firm~~  
23 ~~or corporation~~] in this state any [~~cattle, horse, sheep, mule~~  
24 ~~or burro which~~] livestock that is not branded or marked with  
25 [~~any~~] the brand or mark [~~not the recorded brand or mark of the~~

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1 ~~person firm or corporation~~ of the person selling,  
2 transferring or delivering the [~~animal~~] livestock shall [~~make~~  
3 ~~and~~] deliver to the person [~~firm or corporation~~] buying or  
4 receiving the [~~animal~~] livestock a bill of sale [~~duly~~  
5 ~~acknowledged. The bill of sale shall contain a full~~  
6 ~~description of the animal sold, transferred or delivered,~~  
7 ~~giving the brands and marks on the animal and~~] showing from  
8 whom the [~~animal~~] livestock was received [~~together with the~~  
9 ~~post office address of the person, firm or corporation from~~  
10 ~~whom the animal was received or obtained~~] as provided in  
11 Section 77-9-22 NMSA 1978. "

12 Section 53. Section 77-9-27 NMSA 1978 (being Laws 1921,  
13 Chapter 159, Section 2, as amended) is amended to read:

14 "77-9-27. VIOLATION--PENALTY.-- [Any] A person [~~firm or~~  
15 ~~corporation violating~~] who violates the provisions of Section  
16 77-9-26 NMSA 1978 is guilty of a misdemeanor and upon  
17 conviction shall be [~~finned in a sum not less than twenty-five~~  
18 ~~dollars (\$25) and not more than five hundred dollars (\$500) or~~  
19 ~~by imprisonment not less than thirty days nor more than six~~  
20 ~~months or by both such fine and imprisonment in the discretion~~  
21 ~~of the court~~] sentenced in accordance with the provisions of  
22 Section 31-19-1 NMSA 1978 for each head in offense. "

23 Section 54. Section 77-9-28 NMSA 1978 (being Laws 1943,  
24 Chapter 11, Section 1, as amended) is amended to read:

25 "77-9-28. IMPORTATION OF [~~ANIMALS~~] LIVESTOCK-- PERMIT



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REQUIRED-- PENALTY. --

A. ~~[Every]~~ A person ~~[firm, company, corporation or common carrier bringing cattle, buffalo, horses, mules, asses or swine]~~ who brings livestock into this state by any manner or causing them to be brought in shall, before doing so, obtain a permit ~~[in writing or by wire]~~ from the board or its authorized ~~[representatives]~~ representative. The permit shall contain a list of all the requirements of the board to be complied with before the ~~[animals]~~ livestock can be brought into the state and shall also stipulate any requirements of further tests of the livestock for disease ~~[as set forth in this section]~~ after the ~~[animals]~~ livestock are within the state if required by the board. The permit ~~[must]~~ shall accompany the ~~[animals]~~ livestock at the time they enter the state, and the requirements set forth in the permit as to tests for ~~[contagious]~~ diseases or otherwise ~~[must]~~ shall be complied with in every particular before the ~~[animals]~~ livestock are permitted to enter. The owner or his agent shall make application to the proper inspector to inspect the imported livestock. The imported livestock shall not be commingled or released to pasture without inspection, except as authorized by the inspector.

B. No prior permits are required for ~~[cattle]~~ livestock transported directly to ~~[sales rings or yards which]~~ international import receiving facilities that are inspected

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1 for health of ~~[animals]~~ livestock contained ~~[therein]~~ in the  
2 facilities by the United States department of agriculture or  
3 other agency of the United States. Livestock entering at  
4 these facilities from a foreign country shall be inspected by  
5 an inspector.

6 C. ~~[Any]~~ A person ~~[firm, company, corporation or~~  
7 ~~common carrier violating any]~~ who violates the provisions of  
8 this section is guilty of a misdemeanor and upon conviction  
9 shall be punished [by a fine of not less than fifteen dollars  
10 ~~(\$15.00) nor more than one hundred dollars (\$100)] in~~  
11 accordance with the provisions of Section 31-19-1 NMSA 1978  
12 for each head in offense. "

13 Section 55. Section 77-9-29 NMSA 1978 (being Laws 1891,  
14 Chapter 34, Section 2, as amended) is amended to read:

15 "77-9-29. INSPECTION RULES ~~[AND REGULATIONS]~~.--In the  
16 exercise of the powers and performance of the duties conferred  
17 and prescribed by Sections 77-9-30 through 77-9-36 NMSA 1978,  
18 the board shall make all necessary rules ~~[and regulations]~~  
19 respecting the inspection of ~~[cattle]~~ livestock intended for  
20 shipment or to be driven from a district or beyond the limits  
21 of this state and also respecting the inspection of hides and  
22 slaughterhouses in this state ~~[and for the government of all~~  
23 ~~employees of the board]~~. "

24 Section 56. Section 77-9-30 NMSA 1978 (being Laws 1891,  
25 Chapter 34, Section 3, as amended) is amended to read:

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1           "77-9-30. EXPORTED [~~CATTLE~~] LIVESTOCK--INSPECTION OF  
2 BRANDS AND EAR MARKS--RECORD.-- [~~It is the duty of~~] The board  
3 [~~to~~] shall cause [~~to be inspected~~] the brands and ear marks  
4 upon [~~the cattle~~] livestock shipped or driven from a district  
5 or out of this state to be inspected and [~~to cause to be kept~~  
6 ~~and preserved~~] a true and correct record of the result of such  
7 inspections to be kept in the office of the director [~~of the~~  
8 ~~board~~] for three years. The record shall set forth the date  
9 of the inspection; the place where and the person by whom  
10 made; the name and [~~post office addresses~~] current address of  
11 the owner, shipper or claimant of the [~~cattle~~] livestock  
12 inspected [~~and~~] or the names and [~~post office~~] current  
13 addresses of all persons in charge of the [~~cattle~~] livestock  
14 at the time of the inspection; the destination of the [~~cattle;~~  
15 ~~as well as~~] livestock; a list of all brands and ear marks upon  
16 the [~~cattle~~] livestock inspected; and the number and  
17 classification of the [~~cattle~~] livestock. "

18           Section 57. Section 77-9-31 NMSA 1978 (being Laws 1891,  
19 Chapter 34, Section 4, as amended) is amended to read:

20           "77-9-31. EXPORT [~~CATTLE~~] LIVESTOCK TO BE INSPECTED--  
21 PENALTIES.-- [~~It is the duty of every~~

22                   A. A person shipping or driving or receiving for  
23 shipment or driving any [~~cattle~~] livestock from a district or  
24 out of this state [~~to~~] shall hold the [~~cattle~~] livestock for  
25 inspection as provided by law, and it is unlawful for any

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1 person to ship, drive or in any manner remove beyond the  
2 boundaries of the district or this state any [~~herd or band of~~  
3 ~~cattle~~] livestock until they have been inspected except as  
4 provided in Section 77-9-42 NMSA 1978.

5 B. A person who knowingly ships, drives or  
6 receives for shipment or driving livestock from one district  
7 to another without an inspection is guilty of a misdemeanor  
8 and upon conviction shall be sentenced in accordance with the  
9 provisions of Section 31-19-1 NMSA 1978.

10 C. A person who knowingly ships or drives or  
11 receives for shipment or driving livestock out of state  
12 without an inspection is guilty of a fourth degree felony and  
13 upon conviction shall be sentenced in accordance with the  
14 provisions of Sections 31-18-15 NMSA 1978. "

15 Section 58. Section 77-9-32 NMSA 1978 (being Laws 1891,  
16 Chapter 34, Section 6, as amended) is amended to read:

17 "77-9-32. INSPECTION OF LIVESTOCK FOR EXPORT--  
18 APPLICATION--PLACE--PAYMENT FOR DELAY. -- [ Every] A person  
19 [~~company or corporation or their agents, servants or~~  
20 ~~employees~~] or his agent having in his charge livestock  
21 destined for transportation or to be driven beyond the limits  
22 of the district or out of this state shall make application to  
23 the proper inspector to inspect [~~any such~~] the livestock,  
24 stating in [~~such~~] the application the time [~~said~~] the  
25 livestock will be ready for inspection [~~and. It shall be the~~

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1 ~~duty of such~~. An inspector [~~to~~] shall inspect the [~~said~~]  
2 livestock at a location to be designated by the board, ~~make~~  
3 the record and give the certificate required by law to the  
4 owner of [~~said~~] the livestock; provided that in the case of  
5 livestock transported out of this state, the place of  
6 inspection shall be at ~~some~~ stockyards or other convenient  
7 place near the proposed point of shipment of [~~said~~] the  
8 livestock from the state. If the owner or person in charge of  
9 [~~said~~] the livestock [~~shall cause~~] causes any unreasonable  
10 delay or loss of time to an inspector, [~~such~~] the owner or  
11 person in charge of [~~any such~~] the livestock shall pay the  
12 expenses and salary of the inspector during the delay or loss  
13 of time."

14 Section 59. Section 77-9-33 NMSA 1978 (being Laws 1891,  
15 Chapter 34, Section 7, as amended) is amended to read:

16 "77-9-33. INSPECTION OF EXPORTED [~~CATTLE~~] LIVESTOCK--  
17 REPORT--INSPECTION OF SLAUGHTERHOUSES-- PENALTY. --

18 A. Every inspector [~~employed by the board under~~]  
19 ~~the provisions of Section 77-2-7 NMSA 1978~~] shall be an  
20 inspector of brands and ear marks and also an inspector of  
21 hides and slaughterhouses, and it is the duty of the  
22 inspectors to inspect the brands and ear marks of all [~~cattle~~]  
23 livestock transported or driven from a district or out of this  
24 state and to make a sworn report to the director [~~of the~~  
25 ~~board~~] of the result of such inspection at least once [~~in~~]

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1 every thirty days and ~~[ oftener]~~ more often if, in the opinion  
2 of the board, it is necessary. Every slaughterhouse in this  
3 state shall be carefully inspected by the inspectors, and all  
4 hides found in slaughterhouses shall be carefully compared  
5 with the records of the slaughterhouses and a report in  
6 writing setting forth the number of ~~[ eattle]~~ livestock killed  
7 at the slaughterhouse since the last inspection, the names of  
8 the persons ~~[ from]~~ for whom each of the ~~[ eattle was bought]~~  
9 livestock were slaughtered, the brands and marks upon each  
10 hide and any information that may be obtained touching the  
11 violation by the owner of any slaughterhouse, or any other  
12 person, of any of the provisions of Sections 77-17-9 through  
13 77-17-11 NMSA 1978. For the purpose of making an inspection,  
14 ~~[ any]~~ an inspector ~~[ employed by the board shall have]~~ has the  
15 right to enter in the day or night any slaughterhouse or other  
16 place where ~~[ eattle]~~ livestock are killed in this state and to  
17 carefully examine the ~~[ same]~~ premises and all books and  
18 records required by law to be kept ~~[ therein]~~ on the premises  
19 and to compare the hides found with the records. ~~[ Any]~~ A  
20 person who hinders or obstructs or attempts to hinder or  
21 obstruct ~~[ any]~~ an inspector ~~[ employed by the board]~~ in the  
22 performance of any of the duties required of him by law is  
23 guilty of a misdemeanor and on conviction shall be ~~[ fined in~~  
24 ~~any sum not exceeding one hundred dollars (\$100), at the~~  
25 ~~discretion of the court trying the case]~~ sentenced in

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1 accordance with the provisions of Section 31-19-1 NMSA 1978  
2 for each offense.

3 B. Livestock inspectors [~~appointed by the board~~  
4 ~~shall have authority to~~] may arrest persons found in the act  
5 or whom they have good reason to believe to be guilty of  
6 driving, holding or slaughtering stolen livestock or of  
7 violating the inspection laws of the state. [~~Every inspector~~  
8 ~~shall have authority to~~] Livestock inspectors may carry arms  
9 and make arrests in any county in the state. "

10 Section 60. Section 77-9-38 NMSA 1978 (being Laws 1899,  
11 Chapter 53, Section 2, as amended) is amended to read:

12 "77-9-38. INSPECTION FEES--LIEN--RECORD.--There shall be  
13 a fee for the inspection of [~~cattle, horses, mules and asses~~]  
14 livestock to be fixed by the board not to exceed the amount  
15 prescribed by law for each inspection request, and the fee  
16 shall be a lien upon the [~~animals inspected~~] livestock of the  
17 owner until paid. Each inspector shall keep a complete record  
18 of all [~~animals~~] livestock inspected by him, listing all  
19 brands and marks and the names of the shippers, and a copy of  
20 the record shall be preserved by the [~~New Mexico livestock~~]  
21 board. "

22 Section 61. Section 77-9-40 NMSA 1978 (being Laws 1895,  
23 Chapter 6, Section 16, as amended) is amended to read:

24 "77-9-40. EXPORTING OF [~~CATTLE~~] LIVESTOCK WITHOUT BRAND  
25 OF SHIPPER OR BILL OF SALE--INSPECTION--DEFINITION OF

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1       ESTRAYS. --

2               A. For the purposes of this section, an estray  
3       ~~[shall be]~~ is any ~~[cattle]~~ livestock being driven or shipped  
4       from a district or from this state ~~[or of any county of this~~  
5       ~~state for shipment, sale or slaughter not branded with the~~  
6       ~~duly recorded brand of the person, company or corporation~~  
7       ~~driving the animal or causing it to be driven; or not~~  
8       ~~accompanied by a duly executed and acknowledged bill of sale~~  
9       ~~or transfer in writing from the owner of the recorded brand on~~  
10       ~~the animal]~~ that is not properly identified as required by The  
11       Livestock Code; or not accompanied by a duly executed  
12       authority in writing ~~[duly acknowledged]~~ by the owner of the  
13       recorded brand on the ~~[animal]~~ livestock authorizing the  
14       driving and handling of the ~~[animal]~~ livestock by the person  
15       ~~[found driving the same. Upon the inspection of any such herd~~  
16       ~~by any duly authorized inspector, if he]~~ in possession of the  
17       livestock.

18               B. If an inspector finds in or with the ~~[herd any]~~  
19       livestock he is inspecting an estray ~~[as is specified in this~~  
20       ~~section, it is his duty and he is hereby empowered to],~~ he may  
21       seize and sequestrate the estray and ~~[to]~~ hold and dispose of  
22       it in the manner ~~[now]~~ provided by law for the disposition of  
23       unclaimed ~~[cattle]~~ livestock by inspectors. ~~[The person~~  
24       ~~having charge of and found driving the estray shall, in~~  
25       ~~addition to any criminal prosecution to which the driving may~~



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1 ~~make him liable, forfeit as damages to the owner of the brand~~  
2 ~~on the estray a sum set by the court for each estray found in~~  
3 ~~his possession, to be recovered by the owner in an action of~~  
4 ~~debt before any magistrate in the county in which the animal~~  
5 ~~is found or the county in which the owner resides. All~~  
6 ~~reports of inspection made by any duly authorized inspector~~  
7 ~~and verified by his oath or a duly certified copy of the~~  
8 ~~reports by the director of the board and under his seal shall~~  
9 ~~be taken as prima facie proof of the matters in any of the~~  
10 ~~courts of this state; provided that cattle being driven from~~  
11 ~~this state for sale or shipment shall be inspected, if driven,~~  
12 ~~at the state line and if shipped, at the place of shipment. ]"~~

13 Section 62. Section 77-9-42 NMSA 1978 (being Laws 1969,  
14 Chapter 174, Section 4, as amended) is amended to read:

15 "77-9-42. TRANSPORTATION PERMITS FOR HORSES, MULES AND  
16 ASSES-- BRAND AND HEALTH CERTIFICATE GOOD FOR LENGTH OF TIME OF  
17 OWNERSHIP. --

18 A. [Any] A person [owning] who owns horses, mules  
19 or asses and [~~desiring~~] desires to transport them within the  
20 state for [any] a purpose other than their sale or trade may,  
21 upon request to an inspector [~~of the board~~], be issued an  
22 owner's transportation permit in lieu of the required brand  
23 [~~and health inspection~~] certificate for each horse, mule or  
24 ass to be transported.

25 B. The owner's transportation permit issued in

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1 lieu of a brand [~~and health inspection~~] certificate is valid  
2 as long as the horse, mule or ass described in the certificate  
3 remains under the ownership of the person to whom the permit  
4 was issued.

5 C. The owner's transportation permit or the brand  
6 [~~and health inspection~~] certificate [~~must~~] shall accompany the  
7 animal for which it was issued at all times while the animal  
8 is in transit, and each shall identify the horse, mule or ass  
9 by brand, color, markings, sex, age and, where applicable, by  
10 registration number, tattoo or other mark as provided by  
11 [~~regulations~~] rules of the board.

12 D. There shall be a fee in an amount set by the  
13 board for each owner's transportation permit [~~which shall be~~  
14 ~~in addition to any inspection fee for the issuance of a brand~~  
15 ~~and health inspection certificate~~]. "

16 Section 63. Section 77-9-43 NMSA 1978 (being Laws 1929,  
17 Chapter 87, Section 2) is amended to read:

18 "77-9-43. NOTICE OF TRANSPORT--INSPECTION DATE AND  
19 PLACE. -- [~~That~~] Before [~~any~~] a person [~~or persons, firm or~~  
20 ~~corporation shall transport said~~] transports any livestock or  
21 carcasses [~~as herein set out, such~~] from a district or out of  
22 state, the person [~~or persons, firm or corporation~~] shall  
23 notify the nearest inspector that it is desired that [~~said~~]  
24 the livestock or carcasses be inspected, fixing the date,  
25 place and time [~~thereof and giving reasonable time for said~~

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1 ~~inspector so notified to reach said place on the date~~  
2 ~~designated]~~ of the inspection. The person requesting the  
3 inspection shall give a reasonable time prior to the proposed  
4 shipment date. "

5 Section 64. Section 77-9-54 NMSA 1978 (being Laws 1901,  
6 Chapter 45, Section 3, as amended) is amended to read:

7 "77-9-54. TRANSPORTATION OF HIDES. --

8 A. It is unlawful for any person [~~firm-~~  
9 ~~corporation or common carrier]~~ to transport or cause to be  
10 transported [~~within or beyond the limits]~~ from a district or  
11 out of this state any hides that have not been inspected by [ a  
12 ~~duly authorized]~~ an inspector [~~of the New Mexico livestock~~  
13 ~~board]~~ and tagged or marked as prescribed by [ ~~regulation]~~ rule  
14 of the board. The board may provide by [ ~~regulation]~~ rule for  
15 collection of an inspection fee not to exceed the amount  
16 prescribed by law, and the fee is a lien upon the hides  
17 inspected until paid.

18 B. Each inspector [~~of hides]~~ shall keep a complete  
19 record of all inspections made by him and immediately forward  
20 to the director [~~of the New Mexico livestock board]~~ on blanks  
21 furnished him for that purpose, a complete report of each  
22 inspection, giving the names of the purchaser and shipper of  
23 the hides and all the brands [~~thereon]~~ on the hides. The  
24 report shall be preserved by the director as records of his  
25 office. "

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1 Section 65. Section 77-9-56 NMSA 1978 (being Laws 1921,  
2 Chapter 26, Section 1) is amended to read:

3 "77-9-56. HIDE PURCHASES--BILL OF SALE--CONTENTS--  
4 PENALTY. -- [Any] A person [~~or persons, firm or corporation~~] in  
5 this state who [~~shall purchase any~~] purchases a hide [or  
6 hides] from [~~neat cattle, horse, sheep, mule or burro~~]  
7 livestock is [~~hereby~~] required to secure from the person [~~or~~  
8 ~~persons, firm or corporation~~] from whom [~~said~~] the hide [or  
9 hides are] is purchased, at the time of [~~said~~] purchase, a  
10 bill of sale [~~witnessed by two witnesses~~] showing the brands  
11 and the marks, if any, on [~~said~~] the hide [or hides.—Any]. A  
12 person [~~or persons, firm or corporation violating~~] who  
13 violates the provisions [~~hereof shall be deemed~~] of this  
14 section is guilty of a misdemeanor and [~~shall~~] upon conviction  
15 shall be [~~finned in a sum not less than twenty-five (\$25.00)~~  
16 ~~Dollars nor more than five hundred (\$500.00) Dollars or be~~  
17 ~~imprisoned not less than thirty (30) days nor more than six~~  
18 ~~(6) months or both such fine and imprisonment in the~~  
19 ~~discretion of the court]~~ sentenced in accordance with the  
20 provisions of Section 31-19-1 NMSA 1978 for each offense. "

21 Section 66. Section 77-9-58 NMSA 1978 (being Laws 1961,  
22 Chapter 3, Section 1, as amended) is recompiled as Section  
23 77-9A-1 NMSA 1978 and is amended to read:

24 "77-9A-1. INTERSTATE CATTLE OR SHEEP TRANSPORTATION--  
25 CATTLE OR SHEEP REST STATIONS.--It is unlawful for any person

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1 to unload cattle or sheep in interstate transit by truck for  
2 feed, rest and water except at cattle or sheep rest stations  
3 licensed by the board except in emergency situations [ ~~and~~ ].  
4 In emergency situations, cattle or sheep in transit [ ~~must~~ ]  
5 shall be inspected by an inspector [ ~~of the board~~ ] before being  
6 reloaded. "

7 Section 67. Section 77-9-59 NMSA 1978 (being Laws 1961,  
8 Chapter 3, Section 2, as amended) is recompiled as Section  
9 77-9A-2 NMSA 1978 and is amended to read:

10 "77-9A-2. CATTLE OR SHEEP REST STATIONS--LICENSING. --The  
11 board shall license all cattle and sheep rest stations, which  
12 shall meet minimum [ ~~regulations~~ ] rules of the board, and shall  
13 collect a license fee set by the board for each station  
14 licensed. No applicant shall be licensed until he has posted  
15 a bond in a form and amount approved by the [ ~~attorney general~~  
16 ~~in the amount of one thousand dollars (\$1,000)~~ ] board covering  
17 the faithful compliance by the licensee with all laws and  
18 [ ~~regulations~~ ] rules of the board pertaining to cattle or sheep  
19 rest stations. "

20 Section 68. Section 77-9-60 NMSA 1978 (being Laws 1961,  
21 Chapter 3, Section 3, as amended) is recompiled as Section  
22 77-9A-3 NMSA 1978 and is amended to read:

23 "77-9A-3. [ ~~REGULATIONS~~ ] REST STATIONS--RULES. --The board  
24 may prescribe [ ~~regulations~~ ] rules covering the operation of  
25 [ ~~cattle~~ ] rest stations for cattle or sheep in transit by

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1 truck. "

2 Section 69. Section 77-9-61 NMSA 1978 (being Laws 1961,  
3 Chapter 3, Section 4) is recompiled as Section 77-9A-4 NMSA  
4 1978 and is amended to read:

5 "77-9A-4. VIOLATIONS--PENALTY. -- [Any] A person  
6 [violating] who violates any of the provisions of [~~this 1961~~  
7 ~~act~~] Chapter 77, Article 9A NMSA 1978 or any [~~regulation~~] rule  
8 of the [~~cattle sanitary~~] board pertaining to [~~cattle~~] rest  
9 stations is guilty of a misdemeanor and upon conviction shall  
10 be [~~punished by a fine of not more than two hundred dollars~~  
11 ~~(\$200) nor less than fifty dollars (\$50.00) or by imprisonment~~  
12 ~~in the county jail for not more than six months nor less than~~  
13 ~~thirty days or by both such fine and imprisonment in the~~  
14 ~~discretion of the court~~] sentenced in accordance with the  
15 provisions of Section 31-19-1 NMSA 1978. "

16 Section 70. Section 77-9-63 NMSA (being Laws 1969,  
17 Chapter 124, Section 2, as amended) is recompiled as Section  
18 77-9A-5 NMSA 1978 and is amended to read:

19 "77-9A-5. UNLOADING LIVESTOCK FOR FEED, REST AND WATER--  
20 DUMPING CARCASSES--PENALTY. --

21 A. All livestock [~~being transported by truck~~] that  
22 has been confined to [~~the~~] a truck for a continuous period of  
23 twenty-four hours without feed, rest and water shall be  
24 unloaded at the nearest licensed cattle or sheep rest station  
25 or other facility providing feed and water for livestock. The

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1 livestock shall receive adequate feed and water and a minimum  
2 of five hours rest before reloading. [~~The loading and~~  
3 ~~unloading of in-transit cattle shall be subject to the~~  
4 ~~provisions of Section 77-9-58 NMSA 1978.~~]

5 B. [~~Any~~] A livestock inspector [~~of the New Mexico~~  
6 ~~livestock board~~] or other peace officer may require [~~any~~] a  
7 person moving livestock within the state by truck to unload  
8 the livestock for feed, rest and water when the logbook of the  
9 operator indicates the livestock has been confined for twenty-  
10 four hours. If [~~an~~] a livestock inspector [~~of the New Mexico~~  
11 ~~livestock board~~] determines a truck moving livestock to be  
12 unsafe or overloaded or if the conditions for the livestock  
13 are determined to be unsafe, [~~then~~] the livestock inspector  
14 shall have the authority to remedy [~~such a~~] the situation.

15 C. All expenses incurred in compliance with this  
16 section are the responsibility of the livestock owner or his  
17 agent.

18 D. A person shall not dispose of carcasses along  
19 the public streets, roads or highways of this state. A person  
20 who violates the provisions of this subsection is guilty of a  
21 misdemeanor and upon conviction shall be sentenced in  
22 accordance with the provisions of Section 31-19-1 NMSA 1978. "

23 Section 71. Section 77-10-1 NMSA 1978 (being Laws 1937,  
24 Chapter 59, Section 1, as amended) is amended to read:

25 "77-10-1. DEFINITIONS.--As used in Chapter 77, Article  
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1 10 NMSA 1978:

2 A. "~~sales ring~~ livestock auction market" means  
3 ~~any~~ a place, establishment ~~auction market~~ or facility  
4 conducted or operated for compensation or profit as a public  
5 livestock market consisting of pens or other enclosures,  
6 barns, stables, sheds and their appurtenances, including  
7 saddle and work stock, and vehicles used in connection  
8 therewith or in the operation thereof where livestock not  
9 owned by the operator for at least three months next preceding  
10 the receipt thereof is received, held or kept for any purpose  
11 other than:

- 12 (1) immediate shipment or immediate
- 13 slaughter;
- 14 (2) grazing, feeding or breeding; or
- 15 (3) for the sale and exchange of breeding
- 16 stock by a bona fide livestock association; and

17 B. "operator" means ~~any~~ a person in control of  
18 the management or operation of a ~~sales ring~~ livestock  
19 auction market."

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

22 "77-10-2. NECESSITY OF LICENSE-- APPLICATION-- FEE-- BOND--  
23 CANCELLATION OF LICENSE-- COPIES. --

24 A. It ~~shall be~~ is unlawful for ~~any~~ a person to  
25 operate a ~~sales ring~~ livestock auction market in this state



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1 unless he is the holder of an unexpired, [~~uncanceled~~]  
2 uncanceled license issued by the board.

3 B. [~~Any person, except as herein otherwise~~  
4 ~~provided on application to the board in such form as the board~~  
5 ~~shall prescribe, wherein]~~ An application to operate a  
6 livestock auction market shall [~~be~~] set forth:

7 (1) the name and address of the applicant;

8 (2) the location of the [~~sales ring~~]  
9 livestock auction market for which application is made; and

10 (3) a description of the facilities afforded  
11 by [~~such sales ring~~] the livestock auction market.

12 C. The application shall be accompanied by  
13 the payment of a license fee [~~of twenty-five dollars (\$25.00)~~  
14 ~~and the filing and keeping on]~~ set by the board not to exceed  
15 the amount prescribed by law.

16 D. The applicant shall file with the packers and  
17 stockyards division of the United States department of  
18 agriculture a bond in the penal sum as prescribed by the  
19 packers and stockyards division and approved by the board and  
20 conditioned that the principal shall comply with the terms  
21 [~~set forth therein or, in lieu of such bond, the filing of a~~  
22 ~~bond approved by the board as to form and sufficiency in a~~  
23 ~~penal sum of ten thousand dollars (\$10,000), conditioned that~~  
24 ~~the principal shall comply]~~ of the surety and with all of the  
25 terms and conditions of [~~this act~~] Chapter 77, Article 10 NMSA

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1 1978, with some surety company authorized to do business in  
2 this state [~~as surety. shall have issued to him by~~].

3 E. If the applicant satisfies the conditions of  
4 application, the board shall issue a license good for one year  
5 to operate [~~a sales ring~~] the livestock auction market at the  
6 location specified in [~~his~~] the application.

7 [~~Any~~] F. A license issued [hereunder] in  
8 accordance with this section may be [~~cancelled~~] canceled by  
9 the board for violation of [~~Sections 47-10-1 through 47-10-10~~  
10 ~~NMSA 1953~~] Chapter 77, Article 10 NMSA 1978 by the licensee,  
11 and the board may refuse to issue a license to [~~any previous~~  
12 ~~licensee~~] a person whose previous license has been [~~cancelled~~]  
13 canceled or to any firm, association or corporation of which  
14 he is a member or by which he is employed [~~and~~].

15 G. It [shall be] is unlawful for [~~any~~] an operator  
16 to employ [~~any such previous licensee~~] a person whose license  
17 was canceled by the board or to operate [~~any sales ring~~] a  
18 livestock auction market in which [~~such previous licensee~~]  
19 that person has [~~an~~] direct or indirect interest [~~directly or~~  
20 ~~indirectly~~].

21 H. The bond [herein] required by this section  
22 shall be for the benefit of [~~any~~] a person damaged by [~~any~~] a  
23 breach of the condition [~~thereof~~] of the bond, and [~~any such~~]  
24 the person damaged shall be entitled to bring an action  
25 [~~thereon~~] on the bond in his own name. The board shall

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1 furnish a certified copy of [~~any such~~] the bond to [~~any~~] a  
2 person [~~applying therefor~~] who applies for a copy on payment  
3 of [~~a~~] the fee [~~of one dollar (\$1.00)~~] set by the board for  
4 copy services. "

5 Section 73. Section 77-10-3 NMSA 1978 (being Laws 1937,  
6 Chapter 59, Section 3) is amended to read:

7 "77-10-3. DUTIES OF LICENSEES. --The operator shall:

8 [~~(a)~~] A. keep posted and on display in a  
9 conspicuous place at [~~his sales ring~~] the livestock auction  
10 market an unexpired, [~~uncanceled~~] uncanceled license issued  
11 by the board as [~~herein~~] provided in Section 77-10-2 NMSA  
12 1978;

13 [~~(b) shall~~] B. keep [~~his sales ring~~] the  
14 livestock auction market clean and sanitary and, whenever  
15 required by the board or a veterinarian [~~accredited~~]  
16 authorized by the board, shall disinfect the [~~same~~] livestock  
17 auction market or any part thereof and shall procure to be  
18 administered preventive or curative treatment of livestock in  
19 the possession of the operator, all under the supervision and  
20 direction of the board or its [~~accredited~~] authorized  
21 veterinarian and without expense to the board;

22 [~~(c) shall~~] C. allow the board and [~~the~~] its  
23 members and officials [~~thereof~~] and its [~~accredited~~]  
24 inspectors and authorized veterinarians to have convenient  
25 access to [~~his sales ring~~] the livestock auction market and

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1 [his] its books and records [~~at all reasonable times for the~~  
2 ~~purpose of inspecting the same~~] or any livestock that may be  
3 in [the] his possession [~~of the operator~~] at all reasonable  
4 times for the purpose of inspection;

5 [~~(d) shall~~] D. post in a conspicuous place at  
6 [~~his sales ring~~] the livestock auction market a schedule of  
7 all charges for services, accommodations and facilities  
8 [~~which~~] that he holds himself out as ready, able and willing  
9 to furnish at [~~his sales ring~~] the livestock auction market to  
10 owners of livestock and shall file a true copy [~~thereof~~] of  
11 the schedule with the board [~~and such~~]. The schedule shall be  
12 the sole basis for all [~~such~~] charges until a different  
13 schedule [~~shall have~~] has been [~~so~~] posted and filed;

14 [~~(e)~~] E. immediately after the sale of any  
15 livestock at [~~his sales ring, shall~~] the livestock auction  
16 market, account and pay [~~over~~] to the owner [~~thereof~~] of the  
17 livestock the entire proceeds of the sale [~~thereof~~] less his  
18 applicable scheduled charges;

19 [~~(f) shall~~] F. make promptly after each sale and  
20 [~~thereafter shall~~] keep for a period of three [~~(3)~~] years a  
21 complete record [~~thereof which shall contain~~] of the sale that  
22 contains a description of the livestock sold, the name of the  
23 owner and [~~that~~] of the purchaser [~~thereof~~], the date of sale,  
24 the sale price and the amount and items of the operator's  
25 charges and [~~to~~] open all such records to examination by the

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1 board or its [~~duly accredited~~] inspector at any time on  
2 request;

3 [~~(g) shall~~] G. be responsible for the wrongful  
4 acts or omissions of his agents and employees; and

5 [~~(h) shall~~] H. comply with and conform to all  
6 lawful rules [~~and regulations~~] of the board and shall  
7 cooperate with the board in preventing the spread of  
8 [~~contagious and infectious livestock~~] diseases through the  
9 operation of [~~his sales ring~~] the livestock auction market and  
10 in the suppression of livestock theft. "

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

13 "77-10-4. NOTICE TO BOARD OF RECEIPT OF LIVESTOCK--  
14 CONTENTS-- [~~PAYMENT IN LIEU OF~~] FEES.--Immediately on receipt  
15 of any livestock at [~~his sales ring~~] the livestock auction  
16 market, the operator shall give written notice to the board in  
17 such form as the board may prescribe, stating the kind and  
18 number and description of the livestock received [~~and~~]. At  
19 the same time [~~and in lieu of all fees required by law~~], the  
20 operator shall collect and remit to the board or agent for the  
21 board [~~a sum not to exceed the amount~~] the inspection fees  
22 prescribed by law for each head of [~~cattle, horses, mules,~~  
23 ~~asses, sheep or goats~~] livestock received. All money paid to  
24 the board shall be deposited to the proper board fund. "

25 Section 75. Section 77-10-5 NMSA 1978 (being Laws 1937,

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1 Chapter 59, Section 5, as amended) is amended to read:  
2 "77-10-5. LIVESTOCK INSPECTED BY BOARD INSPECTOR. -- All  
3 livestock received at a ~~[sales ring]~~ livestock auction market  
4 shall be inspected by ~~[a duly accredited]~~ an inspector ~~[of the~~  
5 ~~board]~~ as soon as practicable ~~[after its receipt]~~. The  
6 inspector shall satisfy himself as to the ownership of ~~[such]~~  
7 the livestock ~~[and that the operator has been duly authorized~~  
8 ~~by the owner thereof to receive the same]~~ and ~~[as to]~~ the  
9 purpose for which it has been ~~[so]~~ received. Before the  
10 removal ~~[thereof]~~ of the livestock, it shall be again  
11 inspected as to ownership by an ~~[accredited]~~ inspector ~~[of the~~  
12 ~~board]~~, and the inspector shall conduct an inspection of the  
13 records documenting the receipt, sale or purchase of the  
14 livestock and may conduct a visual inspection of the livestock  
15 prior to issuing a certificate of inspection. The inspector  
16 shall issue his certificate of inspection and deliver one copy  
17 ~~[thereof]~~ to the purchaser or his agent, one copy to the  
18 ~~[operator]~~ inspector at designation and forward ~~[one copy]~~ the  
19 original to the board for filing. ~~[If the facts requisite for~~  
20 ~~the issue of said inspection certificate be not furnished to~~  
21 ~~the inspector, he shall hold the livestock not so certified~~  
22 ~~for a period of five (5) days unless the requisite facts be~~  
23 ~~sooner furnished or said livestock sooner reclaimed by the~~  
24 ~~true owner thereof. At the expiration of which time, if not~~  
25 ~~then so certified or reclaimed, said livestock shall be deemed~~

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1 ~~to be and shall be dealt with as estray.]~~"

2 Section 76. Section 77-10-9 NMSA 1978 (being Laws 1937,  
3 Chapter 59, Section 8 1/2, as amended) is amended to read:

4 "77-10-9. ~~[SHEEP AND GOATS]~~ LIVESTOCK -- OWNERS BOUND BY  
5 ~~[REGULATIONS]~~ RULES. -- Whenever ~~[any]~~ an owner of ~~[sheep or~~  
6 ~~goats]~~ livestock avails himself of the provisions of ~~[Sections~~  
7 ~~77-10-1 through 77-10-10]~~ Chapter 77, Article 10 NMSA 1978, he  
8 ~~[shall be]~~ is bound by the rules ~~[and regulations as may be~~  
9 ~~prescribed by]~~ of the board as to health and ownership. "

10 Section 77. Section 77-10-10 NMSA 1978 (being Laws 1937,  
11 Chapter 59, Section 9) is amended to read:

12 "77-10-10. VIOLATIONS -- PENALTY. -- ~~[Violation of this Act]~~  
13 A person who violates Chapter 77, Article 10 NMSA 1978 or ~~[of]~~  
14 any rule ~~[or regulation]~~ of the board made ~~[in pursuance of~~  
15 ~~this Act shall constitute]~~ pursuant to that article is guilty  
16 of a misdemeanor ~~[punishable by a fine of not less than fifty~~  
17 ~~dollars (\$50.00) nor more than one hundred dollars (\$100.00)]~~  
18 and upon conviction shall be sentenced in accordance with the  
19 provisions of Section 31-19-1 NMSA 1978, and each day's  
20 violation ~~[shall constitute]~~ constitutes a separate offense. "

21 Section 78. Section 77-12-6 NMSA 1978 (being Laws 1923,  
22 Chapter 68, Section 6) is amended to read:

23 "77-12-6. DISTRAINT OF LIVESTOCK FOR DAMAGES. -- ~~[Such]~~ A  
24 person ~~[so]~~ damaged by trespassing livestock may hold and  
25 distrain ~~[such]~~ the trespassing livestock until the damages

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1 [which] that he has suffered [~~thereby~~] and the costs,  
2 including [~~the sum of fifty cents (\$.50)~~] a reasonable amount  
3 set by the board per head per day for feeding and caring for  
4 [~~such~~] the livestock during the time [~~such~~] the livestock is  
5 so distrained, are paid or legally tendered. The person  
6 distraining [~~such~~] the livestock shall give notice to the  
7 owner, if known or ascertainable, within forty-eight [~~(48)~~]  
8 hours after [~~such~~] distraint. "

9 Section 79. Section 77-12-10 NMSA 1978 (being Laws 1923,  
10 Chapter 68, Section 10) is amended to read:

11 "77-12-10. FAILURE TO CLOSE GATE--PENALTY. -- [~~Any~~] A  
12 person who [~~shall open and fail~~] opens and fails to close [~~any~~  
13 ~~such~~] a gate [~~shall be~~] provided for in Section 77-12-9 NMSA  
14 1978 is guilty of a misdemeanor and on conviction shall be  
15 [~~finned not less than five dollars nor more than fifty dollars~~]  
16 sentenced in accordance with the provisions of Section 31-19-1  
17 NMSA 1978. "

18 Section 80. Section 77-12-11 NMSA 1978 (being Laws 1923,  
19 Chapter 68, Section 11) is amended to read:

20 "77-12-11. LIVESTOCK AT LARGE ON HERD LAW DISTRICT  
21 ROAD--PENALTY. -- [~~Any~~] An owner or holder of livestock  
22 described in Section [~~six of this Act~~] 77-12-6 NMSA 1978 who  
23 [~~shall permit such~~] permits livestock to run at large on [~~any~~]  
24 a public road within [~~any such~~] a herd law district [~~shall be~~]  
25 is guilty of a misdemeanor and on conviction shall be [~~finned~~



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1 ~~not less than five dollars nor more than fifty dollars]~~  
2 sentenced in accordance with the provisions of Section 31-19-1  
3 NMSA 1978. "

4 Section 81. Section 77-13-2 NMSA 1978 (being Laws 1907,  
5 Chapter 80, Section 2, as amended) is amended to read:

6 "77-13-2. IMPOUNDMENT OF ESTRAY ANIMALS. --

7 A. ~~[No]~~ A person shall not impound an estray  
8 ~~[animal]~~ except when ~~[such animal]~~ the estray is found on  
9 property the person owns or controls. When ~~[any]~~ a person  
10 impounds an estray, he ~~[or she]~~ shall, within five days of the  
11 impoundment, notify the director ~~[of the New Mexico livestock~~  
12 ~~board]~~ or ~~[any livestock]~~ an inspector ~~[of the board]~~ of the  
13 impoundment.

14 B. ~~[Any]~~ A person having knowledge of ~~[any]~~ an  
15 estray ~~[animal or animals]~~ upon any public or private range,  
16 fenced or unfenced, ~~may~~ notify the director ~~[of the New Mexico~~  
17 ~~livestock board]~~ or ~~[any authorized livestock]~~ an inspector,  
18 ~~[of the board]~~ giving description of the estray ~~[or estrays]~~,  
19 and upon instructions from the board or ~~[from an authorized~~  
20 ~~livestock]~~ inspector ~~[of the board said estrays]~~ the estray  
21 shall be turned over to ~~[a duly authorized livestock]~~ an  
22 inspector ~~[of the board]~~ for disposition as the board ~~may~~  
23 direct according to law.

24 C. It is lawful for ~~[any]~~ a person having  
25 knowledge of ~~[any]~~ an estray ~~[horse, mule or ass]~~ grazing on

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1 public land, public highways or other lands used for grazing  
2 purposes in conjunction with public land and who has the prior  
3 approval of or is acting in cooperation with an [ authorized]  
4 agent of the [~~New Mexico livestock~~] board to impound and  
5 detain [such] the estray [~~animal or animals~~] for the purpose  
6 of ascertaining ownership by brand or other means of  
7 identification. The owner [~~or owners~~] of [such] the estray  
8 [~~animal~~] found to be in trespass shall be allowed forty-eight  
9 hours from receipt of notice of impoundment within which to  
10 claim the animal [~~or animals~~] and make settlement for trespass  
11 damage. If the owner [~~or owners fail~~] fails to claim [such]  
12 the animal [~~or animals~~] and effect a settlement for trespass  
13 damages within the time allowed, the estray [~~animals~~] detained  
14 shall be turned over to [~~a duly authorized~~] an inspector or  
15 other agent of the [~~New Mexico livestock~~] board for  
16 disposition in the same manner as provided for other [ estray  
17 animals] estrays under [~~this~~] Chapter 77, Article 13 NMSA  
18 1978. "

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

21 "77-13-3. EXAMINATION OF BRAND RECORDS--NOTICE TO  
22 OWNER--CHARGE FOR CARE--LIMITATION. --Upon receiving notice of  
23 the impoundment of [any] an estray [~~animal or animals, it is~~  
24 ~~the duty of~~] the director [~~of the New Mexico livestock board~~  
25 ~~to~~] shall make or cause to be made an examination of the brand

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1 records. If from this record the name of the owner or  
2 probable owner can be determined, the director shall  
3 [forthwith] notify the owner of the impoundment of [such] the  
4 estray [~~or estrays~~] and, upon [said] the owner proving to the  
5 satisfaction of the board that the estray [~~animal or animals~~  
6 ~~are~~] is lawfully his, the board shall issue to him an order to  
7 receive the [same] estrays upon payment of any reasonable  
8 charges [which] that may have been incurred in the care of the  
9 [~~animal or animals or~~] estrays impounded. "

10 Section 83. Section 77-13-5 NMSA 1978 (being Laws 1907,  
11 Chapter 80, Section 5, as amended) is amended to read:

12 "77-13-5. SALE OF UNCLAIMED ESTRAYS--BILL OF SALE--  
13 EFFECT--SALE WITHOUT ADVERTISEMENT--CONDITIONS.--If an estray  
14 [~~animal or animals~~] is not claimed within five days after the  
15 last publication of notice, [~~they shall~~] it may be sold by the  
16 [~~New Mexico livestock~~] board through [~~an authorized livestock~~]  
17 an inspector [~~of the board~~] in such manner as the board may  
18 direct. [~~It is the duty of~~] The [~~livestock~~] inspector making  
19 [~~such~~] the sale [~~to~~] shall give a bill of sale to the  
20 purchaser from the [~~New Mexico livestock~~] board, signed by  
21 himself as inspector [~~for the board which~~]. The bill of sale  
22 shall be legal evidence of the ownership of the [~~animal or~~  
23 ~~animals~~] livestock by the purchaser [~~thereof~~] and shall be a  
24 legal [~~and valid~~] title to [~~said animal or animals~~] the  
25 livestock. Where the director [~~of the New Mexico livestock~~

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1 ~~board~~] determines that it is impractical to publish notice,  
2 the estray [~~animal or animals shall~~] may be sold immediately  
3 without notice. In such case, the board shall [~~thereafter~~]  
4 publish notice of the proceeds from the sale of the estray  
5 [~~animal or animals~~] in the same manner and for the same length  
6 of time as provided for the notice of the sale [~~of the~~  
7 ~~animals~~] and shall hold and distribute the proceeds from the  
8 sale [~~of the animals~~] in the same manner as if the sale were  
9 made after notice. "

10 Section 84. Section 77-13-6 NMSA 1978 (being Laws 1907,  
11 Chapter 80, Section 6, as amended) is amended to read:

12 "77-13-6. DISPOSITION OF PROCEEDS--RECORD OF SALE--  
13 PAYMENTS TO OWNER. --The [~~livestock~~] inspector making the sale  
14 of [~~such~~] an estray [~~or estrays~~] shall return the proceeds of  
15 the sale to the [~~New Mexico livestock~~] board [~~which~~]. The  
16 board shall pay the expenses incurred in the impounding,  
17 publishing of notice and selling of [~~such~~] the animal [~~or~~  
18 ~~animals~~] and place the balance in the fund of the board,  
19 making a record of the same showing the marks and brands and  
20 other means of identification of the [~~animal~~] livestock and  
21 giving the amount realized from the sale [~~of the same, which~~].  
22 The record shall be open to the inspection of the public.  
23 Should the lawful owner of an estray [~~or estrays which have~~]  
24 that has been [~~so~~] sold be found within two years after the  
25 sale of [~~such animal or animals~~] the livestock, the net amount

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1 received from the sale of the estray [~~or estrays~~] less the sum  
2 prescribed by law for office handling fees shall be paid to  
3 the owner upon his proving ownership to the satisfaction of  
4 the [~~New Mexico livestock~~] board. "

5 Section 85. Section 77-13-8 NMSA 1978 (being Laws 1907,  
6 Chapter 80, Section 8, as amended) is amended to read:

7 "77-13-8. IMPOUNDING ESTRAY--FAILURE TO NOTIFY BOARD--  
8 PENALTY.--It is unlawful for [~~any~~] a person other than an  
9 [~~authorized~~] inspector [~~of the New Mexico livestock board~~] to  
10 impound or retain possession of [~~any~~] an estray [~~animal or~~  
11 ~~animals~~] except as provided in Sections [~~47-14-2 and 47-14-7~~  
12 ~~NMSA 1953.~~ Any] 77-13-2 and 77-13-7 NMSA 1978. A person who  
13 impounds an estray contrary to the provisions of [~~this~~]  
14 Chapter 77, Article [~~shall be~~] 13 NMSA 1978 is guilty of a  
15 misdemeanor and upon conviction [~~may be fined one hundred~~  
16 ~~dollars (\$100)~~] shall be sentenced in accordance with the  
17 provisions of Section 31-19-1 NMSA 1978 for each [~~and every~~]  
18 offense. "

19 Section 86. Section 77-14-2 NMSA 1978 (being Laws 1977,  
20 Chapter 189, Section 1, as amended) is amended to read:

21 "77-14-2. DEFINITION.--As used in [~~Article~~] Chapter 77,  
22 [~~Chapter~~] Article 14 NMSA 1978, [~~A.~~ "~~livestock~~" means  
23 ~~domestic animals such as cattle, horses, sheep, hogs, goats~~  
24 ~~and buffaloes; and~~

25 ~~B.]~~ "proper military authority" means the

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1 commanding officer or other person in charge of a military  
2 reservation or enclave. "

3 Section 87. Section 77-14-3 NMSA 1978 (being Laws 1901,  
4 Chapter 28, Section 1, as amended) is amended to read:

5 "77-14-3. TRESPASS ON LANDS. --

6 A. It is unlawful for [~~any~~] a person [~~company or~~  
7 ~~corporation~~] or [~~its~~] his agents or employees having charge of  
8 [~~any~~] livestock [~~or other animals~~] to permit or allow the  
9 livestock to go upon the lands of others in this state for the  
10 purpose of grazing or watering upon any waters upon the lands  
11 without the permission of the owner or legal claimant or his  
12 agent. The provisions of this section shall not be construed  
13 to affect the obligation of a property owner to meet the  
14 requirements of Section 77-16-1 NMSA 1978 for fencing against  
15 such trespasses and shall apply not only to titled lands in  
16 this state but to any lands upon which [~~any~~] a person may have  
17 a valid existing filing under the laws of the United States or  
18 any lands [~~which~~] that may be leased by any person from the  
19 state.

20 B. [~~Any~~] A person [~~company, corporation~~] or  
21 [~~representative of a~~] proper military [~~reservation or enclave~~]  
22 authority who [~~may claim~~] claims the benefits of the  
23 protection of this section shall carefully and conspicuously  
24 mark the line of his lands so that such mark may be easily  
25 seen by persons handling livestock and shall post a notice

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1 upon the land conspicuously, warning against trespassing or  
2 shall serve personal written notice giving description of the  
3 land by government surveys or by metes and bounds. "

4 Section 88. Section 77-14-7 NMSA 1978 (being Laws 1909,  
5 Chapter 146, Section 4, as amended) is amended to read:

6 "77-14-7. LIVESTOCK RUNNING AT LARGE--WHEN UNLAWFUL--  
7 IMPOUNDING--SALE--SUIT FOR DAMAGES. --

8 A. After the publication and posting of [~~such~~] an  
9 order pursuant to Section 77-14-6 NMSA 1978, it is unlawful  
10 for the owners of [~~any~~] livestock to allow the livestock to  
11 run at large within the town, [~~or within the~~] conservancy  
12 district, [~~or~~] irrigation district or [~~within the~~] military  
13 reservation or enclave. [~~Any~~] An owner who willfully  
14 [~~allowing any~~] allows livestock to run at large in violation  
15 of the order is guilty of a misdemeanor and upon conviction  
16 [~~before a magistrate~~] shall be punished [~~by a fine not~~  
17 ~~exceeding ten dollars (\$10.00)~~] in accordance with the  
18 provisions of Section 31-19-1 NMSA 1978 for each offense.

19 B. [~~It is the duty of~~] The sheriff or other peace  
20 officer [~~in the town or county~~] or [~~the~~] proper military  
21 authority [~~at a military reservation or enclave to~~] shall  
22 impound [~~any~~] livestock found running at large [~~in the town,~~  
23 ~~district or military reservation or enclave~~] and [~~to~~] sell the  
24 livestock at public auction to the highest bidder for cash  
25 after giving notice of the time and place of sale in some

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1 newspaper published in the county where the violation occurred  
2 three days prior to the day of sale; provided that in the case  
3 of a military reservation or enclave, the sale shall be  
4 conducted by the [~~New Mexico livestock~~] board pursuant to the  
5 procedure set forth in Section 77-14-36 NMSA 1978. The  
6 proceeds up to [~~the amount of~~] five dollars (\$5.00) per day  
7 for each animal shall be retained by the [~~officer~~] impounding  
8 authority to cover [~~his~~] its expense and fees. The balance,  
9 if any, shall be paid to the general fund.

10 C. [~~Notwithstanding any other provision of law~~]  
11 The owner of [~~any~~] livestock [~~so~~] impounded may redeem the  
12 livestock at any time prior to sale by paying [~~to the officer~~  
13 ~~one dollar (\$1.00)~~] the impound fees and costs incurred for  
14 each day or portion of a day that the livestock has been in  
15 custody; provided that in the case of a military reservation  
16 or enclave, redemption shall be allowed pursuant to Section  
17 77-14-36 NMSA 1978.

18 D. [~~Any party~~] A person claiming damages for  
19 violation of the order may file suit to recover damages as in  
20 other civil cases; provided that such damages, in the case of  
21 a violation involving a military reservation or enclave, shall  
22 include direct, indirect, incidental and consequential  
23 damages. "

24 Section 89. Section 77-14-8 NMSA 1978 (being Laws 1919,  
25 Chapter 88, Section 1, as amended) is amended to read:

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1           "77-14-8.   IRRIGATION DISTRICTS--IMPOUNDING TRESPASSING  
2   ANIMALS. --Whenever a majority of the resident landowners who  
3   are qualified voters in any political subdivision of an  
4   irrigation section [~~petition~~] petitions the board of county  
5   commissioners in which [~~said~~] the political subdivision is  
6   located for an order permitting trespassing [~~cattle, horses,~~  
7   ~~mules, goats, sheep and burros~~] livestock to be restrained and  
8   held for damages under the terms set forth in [~~this Act, it~~  
9   ~~shall be the duty of the said~~] Sections 77-14-8 through  
10 77-14-24 NMSA 1978, the board of county commissioners, at  
11 [~~their~~] its first regular session after the filing of [~~said~~]  
12 the petition with the county clerk, [~~to~~] shall grant the  
13 request in [~~said~~] the petition and cause an order to that  
14 effect to be duly entered. [~~This Law shall~~] Sections 77-14-8  
15 through 77-14-24 NMSA 1978 also apply to such animals as are  
16 kept, fed, pastured and [~~are~~] maintained outside of [~~said~~] the  
17 political subdivision and [~~shall~~] include [~~animals~~] livestock  
18 running on the range outside of or kept, fed, pastured and  
19 maintained outside of [~~said~~] the political subdivision. "

20           Section 90.   Section 77-14-11 NMSA 1978 (being Laws 1919,  
21 Chapter 88, Section 4) is amended to read:

22           "77-14-11.   RIGHT TO IMPOUND--FENCES.--After [~~said~~] the  
23 order has taken effect, [~~any~~] a person within [~~said~~] the  
24 political subdivision finding any [~~such animals~~] livestock  
25 trespassing upon his premises [~~shall have~~] has the right to

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1 take up, hold and restrain the [~~same~~] livestock for such  
2 damages as [~~they~~] it may have inflicted or he may deliver the  
3 [~~same~~] livestock to the nearest [~~justice of the peace~~]  
4 magistrate to be held and impounded under the conditions  
5 [~~hereinafter~~] set forth in Sections 77-14-8 through 77-14-24  
6 NMSA 1978; provided, however, that no [~~one shall have~~] person  
7 has the right under [~~this chapter~~] those sections to hold and  
8 restrain [~~said animals~~] livestock for damages [~~who~~] when at  
9 the time of [~~said~~] the trespass, the person did not have  
10 surrounding his premises a fence equivalent to [~~the following:~~  
11 ~~posts set firmly in the ground and projecting above the ground~~  
12 ~~not less than forty-five inches, said posts not to be less~~  
13 ~~than two inches in diameter at their smallest dimension and to~~  
14 ~~be set not over thirty feet apart, three barbed wires to be~~  
15 ~~strung firmly and securely fastened to said posts, the bottom~~  
16 ~~wire to be placed approximately twenty-one inches from the~~  
17 ~~bottom, the second wire to be approximately one foot above the~~  
18 ~~bottom wire, and the third wire to be approximately one foot~~  
19 ~~above the second wire, said wires to be held in position by~~  
20 ~~stays set not less than ten feet apart between said posts.~~  
21 Any] that described in Chapter 77, Article 16 NMSA 1978. A  
22 fence greater or equivalent to [~~said~~] such fence in strength  
23 and resisting power, constructed of other material, shall be  
24 considered sufficient for the purposes of [~~this act~~] Sections  
25 77-14-8 through 77-14-24 NMSA 1978. "

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1           Section 91. Section 77-14-20 NMSA 1978 (being Laws 1919,  
2 Chapter 88, Section 14) is amended to read:

3           "77-14-20. FEES--APPOINTMENT OF POUNDKEEPER. --

4           A. The ~~[justice of the peace]~~ magistrate shall  
5 receive as fees for entering orders and issuing papers and  
6 performing other duties relating to ~~[this chapter]~~ Sections  
7 77-14-8 through 77-14-24 NMSA 1978 the same as are provided by  
8 law in civil cases for similar services, and all persons  
9 serving papers ~~[herein]~~ pursuant to those sections shall be  
10 allowed the same fees as are allowed in civil cases for  
11 similar services. Arbitrators selected under the terms of  
12 ~~[this chapter]~~ those sections shall be allowed ~~[the sum of one~~  
13 ~~dollar each]~~ a reasonable fee for their services.

14           B. The ~~[justice of the peace]~~ magistrate shall ~~[be~~  
15 ~~allowed fifteen cents per head each]~~ set a reasonable charge  
16 per day for caring for ~~[said animals]~~ the livestock. He shall  
17 feed and care for them while held by him ~~[and shall be allowed~~  
18 ~~for feed the market price thereof, providing that the costs of~~  
19 ~~feed shall not exceed fifty cents a day per head]~~. The  
20 ~~[justice of the peace shall have the authority to]~~ magistrate  
21 may appoint some other person to act as poundkeeper. ~~[who]~~ The  
22 poundkeeper shall hold ~~[said animals]~~ the livestock subject to  
23 the orders of ~~[said justice of the peace]~~ the magistrate and  
24 shall receive the same fees and costs as are provided ~~[herein]~~  
25 in this section for ~~[said justice of the peace]~~ the magistrate

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1 in caring for and feeding [~~said animals~~] the livestock."

2 Section 92. Section 77-14-22 NMSA 1978 (being Laws 1919,  
3 Chapter 88, Section 16) is amended to read:

4 "77-14-22. SALE OF LIVESTOCK--SURPLUS FUNDS--COSTS AND  
5 EXPENSES. --The [~~justice of the peace~~] magistrate, after paying  
6 all costs, fees and claims from the proceeds of [~~any~~] a sale  
7 [~~which shall be~~] that is made under his direction as  
8 [~~hereinbefore~~] provided in Sections 77-14-8 through 77-14-24  
9 NMSA 1978, shall pay [~~over~~] the remainder to the owner of  
10 [~~said animals~~] the livestock. If the owner is unknown, [~~he~~]  
11 the magistrate shall deposit the proceeds of [~~said~~] the sale,  
12 after paying all [~~such~~] costs and claims, with the [~~county~~  
13 ~~clerk and if said sum so received by the county clerk is not~~  
14 ~~called for by the owner within two years, the said county~~  
15 ~~clerk shall pay the same over to the county treasurer of the~~  
16 ~~county for the use and benefit of the school fund~~] board,  
17 which shall handle the proceeds in accordance with the  
18 provisions of Chapter 77, Article 13 NMSA 1978. Provided,  
19 however, that in case the sale is made under execution, as  
20 [~~hereinbefore~~] provided in Section 77-14-18 NMSA 1978, the  
21 [~~justice of the peace~~] magistrate shall file with the officer  
22 making [~~such~~] the sale a certified statement of all costs and  
23 expenses that may have accrued, which shall be paid by the  
24 officer selling the [~~same~~] livestock under execution as other  
25 costs are paid."

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1           Section 93. Section 77-14-35 NMSA 1978 (being Laws 1901,  
2 Chapter 54, Section 1, as amended) is amended to read:

3           "77-14-35. LIVESTOCK NOT TO RUN AT LARGE IN  
4 MUNICIPALITIES--TRESPASS--DAMAGES--PENALTY. -- [~~No hog, swine or~~  
5 ~~goat~~] livestock shall not be permitted to run at large within  
6 the limits of any city, town or village, incorporated or  
7 unincorporated, or to trespass upon the cultivated fields and  
8 gardens of any person [~~and~~]. The owner of any [~~hog, swine or~~  
9 ~~goat~~] livestock allowing the [~~same~~] livestock to run at large  
10 within the limits of any city, town or village, incorporated  
11 or unincorporated, or to trespass upon the property of another  
12 [~~shall be~~] is guilty of a misdemeanor and shall be sentenced  
13 in accordance with the provisions of Section 31-19-1 NMSA 1978  
14 and may be liable for treble the damage occasioned by such  
15 trespass. [~~and may be brought before any justice of the peace~~  
16 ~~and a fine of not less than five dollars (\$5.00) or more than~~  
17 ~~ten dollars (\$10.00) upon such conviction before any justice~~  
18 ~~of the peace. And~~] No owners of any property trespassed upon  
19 as [~~herein~~] mentioned in this section shall be liable for the  
20 injury, death or loss of any [~~hog, swine or goat~~] livestock  
21 resulting during expulsion from or impounding upon his  
22 property of [~~any hog, swine or goat~~] the livestock actually  
23 trespassing [~~thereon~~]. "

24           Section 94. Section 77-17-1 NMSA 1978 (being Laws 1939,  
25 Chapter 115, Section 1, as amended) is amended to read:

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1 "77-17-1. LICENSE AND BOND REQUIRED. -- [ No] A person  
2 shall not conduct or carry on the trade of butcher or  
3 slaughterer of [~~neat cattle, horses, mules, asses, hogs, sheep~~  
4 ~~or goats~~] livestock or as a dealer in fresh meats or meat  
5 products or as a manufacturer or processor of meat or poultry  
6 products or operate a rendering plant or operate a cold  
7 storage locker plant in which cold storage lockers are rented  
8 or leased to other persons in this state without having first  
9 obtained a license and filed a bond as [~~hereinafter~~] required  
10 by Sections 77-17-2 and 77-17-3 NMSA 1978. "

11 Section 95. Section 77-17-2 NMSA 1978 (being Laws 1939,  
12 Chapter 115, Section 2, as amended) is amended to read:

13 "77-17-2. LICENSES-- BUTCHER OR SLAUGHTERER-- DEALER IN  
14 FRESH MEAT OR LIVESTOCK OR POULTRY MEAT PRODUCTS OR MEAT FROM  
15 OTHER BIRDS AND ANIMALS USED FOR HUMAN CONSUMPTION-- COLD  
16 STORAGE LOCKER-- RENDERING PLANT. --

17 A. [~~Every~~] A person carrying on or desiring to  
18 carry on the business of butcher or slaughterer of [~~cattle,~~  
19 ~~horses, mules, asses, hogs, sheep, goats, poultry or other~~  
20 ~~birds or animals~~] livestock used for human consumption shall  
21 procure a license from the [~~New Mexico livestock~~] board prior  
22 to carrying on the business and shall pay a yearly license fee  
23 of twenty-five dollars (\$25.00).

24 B. In addition, such [~~persons~~] person may be  
25 charged reasonable fees for meat inspection service over and

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1 above the inspector's normal working assignment under the  
2 rules [~~and regulations~~] of the board pertaining to meat  
3 inspection.

4 C. Application for [~~the licenses prescribed in~~  
5 ~~Subsection A of this section~~] licensure shall be made upon a  
6 form prescribed by the [~~New Mexico livestock~~] board and shall  
7 be accompanied by the amount of the license fee provided in  
8 this section. The license fees shall not be prorated on  
9 account of the applicant doing business for less than a full  
10 calendar year, and license renewal fee in these same amounts  
11 shall be paid for each calendar year in which any person [~~firm~~  
12 ~~or corporation~~] engages in the business and be paid at the  
13 time prescribed by [~~regulations~~] rules of the [~~New Mexico~~  
14 ~~livestock~~] board.

15 D. [~~Every~~] A person carrying on or desiring to  
16 carry on the business of selling or dealing in the fresh meat  
17 or meat products of [~~birds or animals~~] livestock used for  
18 human consumption or livestock or poultry meat products or  
19 manufacturing or processing of meat or poultry products or  
20 operating a rendering plant or operating a cold storage locker  
21 plant in which cold storage lockers are rented or leased to  
22 other persons shall obtain a license to engage in the business  
23 from the [~~New Mexico livestock~~] board after making application  
24 upon forms prescribed by the board and upon payment of an  
25 annual license fee in an amount set by the board not to exceed

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1 ten dollars (\$10.00). Annual renewal fees are payable at  
2 times prescribed by ~~[regulation]~~ rule of the board. No bond  
3 or bond filing fee is required for any person licensed ~~[under]~~  
4 pursuant to this subsection.

5 E. ~~[No]~~ Licenses provided for in this section  
6 shall not be issued to ~~[any]~~ a person who is not ~~[of good~~  
7 ~~moral character and, in the opinion of the board, not a proper~~  
8 ~~person to conduct the business]~~ meeting the requirements for  
9 facilities and product handling provided for in the federal  
10 and state meat inspection acts and United States department of  
11 agriculture food safety inspection service and board rules.  
12 For good cause shown, the ~~[New Mexico livestock]~~ board may,  
13 after notice to the holder of ~~[any]~~ a license provided for in  
14 this section and after a reasonable hearing, revoke ~~[any]~~ a  
15 license ~~[issued]. "~~

16 Section 96. Section 77-17-5 NMSA 1978 (being Laws 1939,  
17 Chapter 115, Section 4, as amended) is amended to read:

18 "77-17-5. DISPOSITION OF LICENSE FEES. -- The proceeds  
19 from the license fees shall be paid into the ~~[New Mexico~~  
20 ~~livestock board general]~~ board's interim receipts and  
21 disbursement fund for credit to the meat inspection division  
22 and shall be expended by the board for the same purposes and  
23 in a like manner as other money in the ~~[New Mexico livestock~~  
24 ~~board general fund]~~ board's meat inspection division."

25 Section 97. Section 77-17-6 NMSA 1978 (being Laws 1939,



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1 Chapter 115, Section 5) is amended to read:

2 "77-17-6. PENALTY. -- ~~[Any]~~ A person ~~[firm or corporation~~  
3 ~~violating]~~ who violates any of the provisions of ~~[this Act~~  
4 ~~shall be deemed]~~ Sections 77-17-1 through 77-17-6 NMSA 1978 is  
5 guilty of a misdemeanor and upon conviction ~~[thereof]~~ shall be  
6 punished ~~[by fine of not less than \$20.00 nor more than~~  
7 ~~\$100.00 for each offense or by imprisonment for not less than~~  
8 ~~twenty nor more than one hundred days or by both such fine and~~  
9 ~~imprisonment]~~ in accordance with the provisions of Section  
10 31-19-1 NMSA 1978. "

11 Section 98. Section 77-17-7 NMSA 1978 (being Laws 1965,  
12 Chapter 127, Section 1) is amended to read:

13 "77-17-7. ~~[DEFINITIONS]~~ DEFINITION. -- As used in ~~[this~~  
14 ~~act:~~

15 A. ~~"person" includes an individual, a partnership,~~  
16 ~~a corporation and a business association;~~

17 B.] Sections 77-17-7 and 77-17-8 NMSA 1978,  
18 "slaughterhouse" means an abattoir or a place where ~~[ neat~~  
19 ~~cattle, horses, mules, asses, sheep or hogs]~~ livestock are  
20 slaughtered ~~[and~~

21 C. ~~"residential dwelling house" means a house~~  
22 ~~which is occupied as a rule for permanent residence purposes~~  
23 ~~and which is either owned, rented, leased, let or hired out to~~  
24 ~~be occupied as the residence or home for a family]. "~~

25 Section 99. Section 77-17-9 NMSA 1978 (being Laws 1884,

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1 Chapter 47, Section 20, as amended) is amended to read:

2 "77-17-9. FAILING TO KEEP RECORD--PENALTY. -- [~~Sec. 3-~~  
3 ~~Every~~] A person who [~~shall carry~~] carries on the business of  
4 butcher or slaughterer of [~~horned cattle and~~] livestock shall  
5 [~~fail to~~] keep a true and faithful record, in a book kept for  
6 the purpose, of all [~~cattle~~] livestock purchased or  
7 slaughtered by him together with a description of each animal,  
8 including marks, brands, age and weight and from whom  
9 purchased and the date [~~thereof or fail to~~] of purchase. The  
10 person shall keep the hide and [~~horns~~] ears of [~~such animal or~~  
11 ~~animals~~] cattle, sheep and goats for thirty days or until  
12 inspected by an inspector after [~~such animal~~] the livestock is  
13 slaughtered [~~shall be deemed~~]. A person who violates a  
14 provision of this section is guilty of a misdemeanor [~~and~~] for  
15 each offense [~~fined in a sum not less than ten nor more than~~  
16 ~~one hundred dollars to be recovered as provided in the~~  
17 ~~preceding section~~] and upon conviction shall be sentenced in  
18 accordance with the provisions of Section 31-19-1 NMSA 1978. "

19 Section 100. Section 77-17-10 NMSA 1978 (being Laws  
20 1884, Chapter 47, Section 21, as amended) is amended to read:

21 "77-17-10. INSPECTION OF RECORD, HIDES AND EARS. -- [~~Sec-~~  
22 ~~4-~~] The [~~said~~] record, hides and ears of cattle, sheep and  
23 goats shall be open to the inspection [~~of all persons and also~~  
24 ~~the hide and horns~~] by the board for the period of thirty days  
25 or until inspected by an inspector, and any butcher or

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1 slaughterer [~~refusing~~] who refuses to permit such inspection  
2 or examination [~~shall be subject to a fine of not less than~~  
3 ~~ten nor more than twenty-five dollars for each offense to be~~  
4 ~~recovered as provided in the preceding sections~~] is guilty of  
5 a misdemeanor and upon conviction shall be sentenced in  
6 accordance with the provisions of Section 31-19-1 NMSA 1978. "

7 Section 101. Section 77-17-12 NMSA 1978 (being Laws  
8 1891, Chapter 45, Section 1, as amended) is amended to read:

9 "77-17-12. HIDES AND EARS TO BE KEPT--INSPECTION--  
10 PENALTY. -- [~~Sec. 6. Any~~] A person killing or causing to be  
11 killed any [~~bovine cattle or sheep~~] livestock for his own use  
12 or for the use of others or for the purpose in whole or in  
13 part of sale or exchange is [~~hereby~~] required to keep in his  
14 own possession, unchanged and unutilated and in condition to  
15 be easily inspected and examined, all hides [~~and~~] or pelts [~~of~~  
16 ~~such bovine animals, including the~~] and ears of cattle, sheep  
17 and goats, for the period of thirty days after the killing  
18 [~~and of sheep, ten days after the killing~~] or until inspected  
19 by an inspector and shall at any time while [~~such~~] the hides  
20 or pelts and ears remain in his possession permit [~~the same~~]  
21 them to be inspected and examined by [~~any~~] a sheriff, deputy  
22 sheriff [~~or constable, or by any board or~~], inspector or other  
23 officer authorized by law to inspect any hides and pelts or  
24 [~~animals~~] livestock, whether dead or alive. [~~Provided,~~  
25 ~~however, that the provisions of this section shall also apply~~

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1 ~~to the killing by persons engaged in any public roundup of~~  
2 ~~animals for the use in connection with the making of such~~  
3 ~~roundup.] A person who violates the provisions of this section  
4 is guilty of a fourth degree felony and upon conviction shall  
5 be sentenced in accordance with the provisions of Section  
6 31-18-15 NMSA 1978. "~~

7 Section 102. Section 77-18-2 NMSA 1978 (being Laws 1987,  
8 Chapter 151, Section 1) is amended to read:

9 "77-18-2. SEIZURE AND DISPOSITION OF CRUELLY TREATED  
10 LIVESTOCK. --

11 A. If a livestock inspector has reason to believe  
12 that livestock are being cruelly treated by depriving them of  
13 necessary sustenance, he may apply to a magistrate court in  
14 the county where the livestock are located for a warrant to  
15 seize the cruelly treated livestock.

16 B. On a showing of probable cause to believe that  
17 the livestock are being cruelly treated by depriving them of  
18 necessary sustenance, the magistrate court shall issue a  
19 warrant and set a time within ten days of the seizure for a  
20 hearing to determine whether the livestock are being so  
21 cruelly treated. Seizure as authorized by this section shall  
22 be restricted to only those livestock being cruelly treated.  
23 The magistrate executing the warrant shall notify the [ ~~New~~  
24 ~~Mexico livestock~~] board, have the livestock impounded and give  
25 written notice to the owner of the livestock of the time and

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1 place of the magistrate court hearing. After all interested  
2 parties have been given an opportunity to present evidence at  
3 the hearing and if the court finds that the owner is guilty of  
4 cruelly treating the livestock by depriving them of necessary  
5 sustenance, the magistrate court shall order ~~[a public]~~ the  
6 sale of the livestock ~~[to be held at the next scheduled sale~~  
7 ~~or]~~ at fair market value. The sale shall occur within ten  
8 days ~~[and the court shall have the livestock delivered to a~~  
9 ~~licensed sales ring for public auction]~~ of the order. If the  
10 magistrate court does not find that the owner has so cruelly  
11 treated the livestock, the magistrate court shall order the  
12 livestock returned to the owner.

13 C. If the magistrate court orders ~~[a public]~~ the  
14 sale of the livestock ~~[by auction, notice of the auction shall~~  
15 ~~be posted on a public bulletin board where other public~~  
16 ~~notices are posted for the city, town or county]~~, the board  
17 shall take proper action to ensure the livestock are sold at  
18 fair market value, including acceptance of reasonable bids or  
19 sale at auction. A bid by the owner of the livestock or his  
20 representative shall not be accepted ~~[at the auction]~~.

21 D. Proceeds from the sale of the livestock shall  
22 be forwarded to the magistrate ordering the sale. From these  
23 proceeds, the magistrate shall pay all expenses incurred in  
24 caring for the livestock while it was impounded and any  
25 expenses involved in its sale. Any excess proceeds of the

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1 sale shall be forwarded to the owner convicted of so cruelly  
2 treating the livestock.

3 ~~[E. As used in this section, "livestock" means~~  
4 ~~domestic animals such as cattle, horses, sheep, hogs and goats~~  
5 ~~and includes burros.]"~~

6 Section 103. RECOMPILATION. -- Sections 77-9-7, 77-9-18  
7 and 77-9-19 NMSA 1978 (being Laws 1895, Chapter 6, Section 3  
8 and Laws 1912, Chapter 55, Section 5 and 6, as amended) are  
9 recompiled in Chapter 77, Article 2 NMSA 1978.

10 Section 104. REPEAL. -- Sections 77-2-11, 77-2-20, 77-3-6,  
11 77-3-7, 77-3-19, 77-4-2, 77-4-3, 77-4-6, 77-4-7, 77-6-1  
12 through 77-6-10, 77-8-8, 77-8-9, 77-8-11, 77-8-21, 77-9-1, 77-  
13 9-6, 77-9-12, 77-9-17, 77-9-25, 77-9-36, 77-9-37, 77-9-39, 77-  
14 9-47, 77-9-48, 77-9-52, 77-9-62, 77-14-1, 77-14-25 through 77-  
15 14-34, 77-14-37 through 77-14-39, 77-17-11, 77-17-13, 77-17-15  
16 and 77-17-16 NMSA 1978 (being Laws 1889, Chapter 106, Sections  
17 1 and 20, Laws 1917, Chapter 30, Sections 2 and 3, Laws 1889,  
18 Chapter 106, Section 16, Laws 1905, Chapter 31, Sections 2, 3,  
19 6 and 7, Laws 1941, Chapter 150, Sections 1 through 10, Laws  
20 1951, Chapter 188, Sections 17, 21 and 23, Laws 1963, Chapter  
21 129, Section 7, Laws 1884, Chapter 47, Section 1, Laws 1975,  
22 Chapter 50, Section 2, Laws 1895, Chapter 6, Section 11, Laws  
23 1912, Chapter 55, Section 3, Laws 1895, Chapter 6, Section 19,  
24 Laws 1891, Chapter 34, Section 13, Laws 1899, Chapter 53,  
25 Sections 1 and 3, Laws 1929, Chapter 87, Sections 6 and 7,

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1 Laws 1933, Chapter 43, Section 2, Laws 1969, Chapter 124,  
2 Section 1, Laws 1882, Chapter 42, Section 5, Laws 1927,  
3 Chapter 50, Sections 1 through 10, Laws 1921, Chapter 76,  
4 Sections 1 through 3, Laws 1884, Chapter 47, Section 22, Laws  
5 1891, Chapter 45, Section 2 and Laws 1899, Chapter 44,  
6 Sections 1 and 2, as amended) are repealed.

7 Section 105. EFFECTIVE DATE. -- The effective date of the  
8 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5  
6 February 22, 1999

7  
8 Mr. Speaker:

9  
10 Your JUDICIARY COMMITTEE, to whom has been referred

11  
12 HOUSE BILL 302

13  
14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, amended as follows:

16  
17 1. On page 13, line 22, after "77-9-38" insert "or 77-  
18 10-4".

19  
20 2. On page 49, line 9, strike "or" and after "cattle"  
21 insert "or bison".

22  
23 3. On page 50, between lines 21 and 22, insert the  
24 following new subsection:

25 "E. This section does not apply to bison."



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4. Reletter the succeeding subsection accordingly.

5. On page 86, line 23, after "shall" strike the remainder of the line and strike line 24 through "of" and insert in lieu thereof "fence".

6. On page 86, line 24, after "lands" strike the remainder of the line, strike line 25 and on page 87, strike lines 1 through 3 up to the period.

7. On pages 100 through 102, strike Section 102 in its entirety and insert in lieu thereof:

"Section 102. Section 77-18-2 NMSA 1978 (being Laws 1987, Chapter 151, Section 1) is amended to read:

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

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A. If a livestock inspector or other peace officer has reason to believe that livestock are being cruelly treated [~~by depriving them of necessary sustenance~~], he may apply to a magistrate court in the county where the livestock are located for a warrant to seize the allegedly cruelly treated livestock.

B. On a showing of probable cause to believe that the livestock are being cruelly treated [~~by depriving them of necessary sustenance~~], the magistrate court shall issue a warrant and set [~~a time within ten days of the seizure for a hearing to determine whether the livestock are being so cruelly treated~~] the matter for hearing as expeditiously as possible within thirty days unless good cause for a later time is demonstrated by the state. Seizure as authorized by this section shall be restricted to only those livestock allegedly being cruelly treated. The board by rule shall establish procedures for preserving evidence of alleged cruel treatment of livestock.

C. The magistrate executing the warrant shall notify the [~~New Mexico livestock~~] board, have the livestock impounded and give written notice to the owner of the livestock of the time and place of the magistrate court

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hearing.

D. After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner ~~[is guilty of cruelly treating the livestock by depriving them of necessary sustenance]~~ has cruelly treated the livestock, the court shall order ~~[a public]~~ the sale of the livestock ~~[to be held at the next scheduled sale or]~~ at fair market value or order humane destruction. If the livestock is ordered sold, the sale shall occur within ten days ~~[and the court shall have the livestock delivered to a licensed sales ring for public auction]~~ of the order. If the court does not find that the owner has so cruelly treated the livestock, the court shall order the livestock returned to the owner.

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[~~C.~~] E. If the magistrate court orders [~~a public~~]  
~~the~~ sale of the livestock, [~~by auction, notice of the~~  
~~auction shall be posted on a public bulletin board where~~  
~~other public notices are posted for the city, town or~~  
~~county~~] the board shall take proper action to ensure the  
livestock is sold at fair market value, including acceptance  
of reasonable bids or sale at auction. A bid by the owner  
of the livestock or his representative shall not be accepted  
[~~at the auction~~].

[~~D.~~] F. Proceeds from the sale of the livestock  
shall be forwarded to the magistrate ordering the sale.  
From these proceeds, the magistrate shall pay all expenses  
incurred in caring for the livestock while it was impounded  
and any expenses involved in its sale. Any excess proceeds  
of the sale shall be forwarded to the former owner  
[~~convicted of so cruelly treating the livestock.~~

E. ~~As used in this section, "livestock" means~~  
~~domestic animals such as cattle, horses, sheep, hogs and~~  
~~goats and includes burros~~]. If the expenses incurred in  
caring for and selling the livestock are more than the  
amount received from the sale, the magistrate court shall  
order the former owner to pay the additional cost."

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Respectfully submitted,

\_\_\_\_\_  
R. David Pederson, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Thompson

Absent: None

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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March 11, 1999

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9

Mr. President:

10

Your CONSERVATION COMMITTEE, to whom has been referred

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12

HOUSE BILL 302, as amended

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14

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
JUDICIARY COMMITTEE.

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Respectfully submitted,

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Fernando R. Macias, Chairman

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1 HJC/HB 302

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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 7 For 0 Against

11

Yes: 7

12

No: None

13

Excused: Eisenstadt, Lyons, Sanchez

14

Absent: None

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underscored material = new  
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