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AN ACT

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

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

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

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

A. There is levied and imposed upon all cattle  
involved in a transfer of ownership in this state an  
assessment to be called the "council assessment". The  
council assessment is to be fixed by the council at a rate of  
not more than one dollar (\$1.00) per head. The board shall  
collect this council assessment and the federal domestic  
assessment imposed pursuant to the Beef Promotion and  
Research Act of 1985 at the same time and in the same manner  
as the fee charged for the state brand inspection required  
upon the movement of those cattle. The board shall not  
deliver the certificate of inspection or permit the cattle to  
move until all fees have been paid. The proceeds of the  
council assessment shall be remitted by the board to the  
council at the end of each month, along with information that  
will allow the council to make necessary refunds. At the  
request of the board, the council shall reimburse the board

1 for the responsible and necessary expenses incurred for such  
2 collections and information at not more than four cents  
3 (\$.04) per one dollar (\$1.00) collected on only those cattle  
4 involved in a transfer of ownership and not on refunded  
5 council assessments.

6 B. Producers may elect not to participate in the  
7 council assessment for each duly registered New Mexico  
8 livestock brand through an application process. The  
9 application must be in writing, on a form prescribed by the  
10 council for that purpose. The council assessment opt-out  
11 form may be obtained from the council by contacting the  
12 council or making an online request for the form. The  
13 council assessment opt-out form shall be sent to producers by  
14 United States mail. Incomplete information on an opt-out  
15 form may delay the processing of the form. The council  
16 assessment opt-out form shall be returned to the council by  
17 United States mail, fax or email. Upon receipt of the  
18 completed form, the council shall notify the board. The  
19 board shall enter the request in the board brand database in  
20 order to stop collection of the council assessment for the  
21 given brand. The council shall notify the producer  
22 requesting the council assessment opt-out within thirty days  
23 from the date of receipt of the completed form. The council  
24 assessment opt-out shall be in effect for three years from  
25 the application date. A notice shall be mailed by the

1 council notifying the producer when the three-year opt-out  
2 form has expired. A producer may revoke the opt-out option  
3 at any time by request made through the council."

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

6 "77-2A-7.3. REFUNDS.--Any person who has paid a council  
7 assessment is entitled to a refund of the amount paid by  
8 making written application therefor to the council. The  
9 application form shall be returned within thirty days after  
10 the inspection was made giving rise to the council assessment  
11 and shall contain enough detail to enable the council to find  
12 the record of payment. Refunds shall be made within thirty  
13 days of the date of the application unless the proceeds and  
14 the necessary information have not been received by the  
15 council, in which case the refund shall be made within fifteen  
16 days after receipt of the proceeds and necessary information.  
17 The form shall be provided by the council."