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FISCAL IMPACT REPORT

ORIGINAL DATE 01/20/11
 LAST UPDATED 03/14/11 **HB** _____

SPONSOR Asbill

SHORT TITLE Inspection, Branding & Seizure of Livestock **SB** 13/a SJC/a HAGC

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 40

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Livestock Board (LB)

SUMMARY

Synopsis of HAGC Amendment

The House Agriculture and Water Resources Committee amendment to Senate Bill 13 removes FEDERALLY from the short title in order to conform to the SJC amendment.

Synopsis of SJC Amendment

The Senate Judiciary Amendment to Senate Bill 13 removes the references to the “federal” government and thereby expands the provisions of this bill to any governmental entity.

Synopsis of Original Bill

Senate Bill 13 requires that livestock shipped or driven out of district or out of state be inspected by a state brand inspector. The inspector must make a complete record of the inspection that remains in the state file for three years. Livestock may not change hands prior to issuance of the brand inspector’s certificate.

The bill addresses the circumstance of livestock seized by the federal government. It prevents a

state brand inspector from issuing a brand inspection certificate for livestock seized by federal land managers, unless:

- the owner consents
- the owner is unknown, or
- the federal government has obtained a court order “from a court of competent jurisdiction.”

Feral animals, wild horses, burros, and stray animals are exempted from the requirements of this bill.

SB 13 allows persons to impound estray animals when found on property the person owns, and allows authorized persons to impound estray animals found on public land. The bill also states that persons may not impound livestock found on land when the conditions of a federal permit, federal allotment, or federal lease are in dispute.

FISCAL IMPLICATIONS

There are no fiscal implications.

SIGNIFICANT ISSUES

The AOC provided the following:

A court of competent jurisdiction is simply a court that has jurisdiction to hear the claim brought before it. Both state and federal courts appear to be courts of competent jurisdiction in this case, although the matter does not appear to have been litigated. Livestock inspectors must obtain a warrant from a magistrate court prior to seizing cruelly treated livestock, but federal actors are not generally involved in this type of case. Although the federal government may adopt a position regarding the appropriate court to issue a court order, the proposed statute indicates that the federal government is to initiate proceedings to obtain the court order.

The LB states that currently legislation is vague regarding what the LB should do in the event of proposed shipment of a citizen’s livestock while in dispute with the federal government and this bill will remedy the situation.

ADMINISTRATIVE IMPLICATIONS

The Livestock Board will be able to handle the provisions of this bill with existing staff as part of its ongoing responsibilities.

RELATIONSHIP

SB 13 relates to SB 40, Livestock Crime Stoppers Act

DW/mew:bym