

**FIFTY-SECOND LEGISLATURE
FIRST SESSION, 2015**

February 4, 2015

Mr. Speaker:

Your **AGRICULTURE, WATER & WILDLIFE COMMITTEE**, to whom has been referred

HOUSE BILL 105

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

1. On page 4, between lines 12 and 13, insert the following new section:

"SECTION 2. Section 77-9-3 NMSA 1978 (being Laws 1895, Chapter 6, Section 1, as amended) is amended to read:

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

A. A person who owns livestock shall have and adopt a brand for them. The brand shall be applied with a hot iron on each animal except registered livestock that are properly identified by a legible tattoo and whose owner has been issued a certificate of brand exemption for [~~his~~] the owner's herd by the board. Each brand shall be recorded in the office of the board.

B. Goats or sheep are not required to be branded with a hot iron. Goats or sheep may be identified by a legible tattoo, paint brand or other device as approved by the board.

~~[B.]~~ C. Unbranded livestock, except offspring with a branded mother or offspring with a mother properly identified as provided in Subsection [~~F~~] G of this section, shall be subject to seizure by a peace officer or livestock inspector and shall be handled and disposed of in the same manner as is provided for the handling and disposal of estrays.

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

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

~~[E.]~~ F. This section does not apply to bison, swine, poultry, ratites, ostriches, emus, rheas, camelids and farmed cervidae.

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

2. Renumber the succeeding section accordingly.

Respectfully submitted,

Candy Spence Ezzell, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 9 For 0 Against
Yes: 9
No: 0
Excused: Dodge
Absent: None

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