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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. Incomplete information on an
11 opt-out form may delay the processing of the form. Upon
12 receipt of the completed form, the council shall notify the
13 board. The board shall enter the request in the board brand
14 database in order to stop collection of the council
15 assessment for the given brand. The council assessment
16 opt-out shall be in effect for three years from the
17 application date. A producer may revoke the opt-out option
18 at any time by request made through the council."

19 SECTION 2. Section 77-2A-7.3 NMSA 1978 (being Laws
20 1983, Chapter 228, Section 5) is amended to read:

21 "77-2A-7.3. REFUNDS.--Any person who has paid a council
22 assessment is entitled to a refund of the amount paid by
23 making written application therefor to the council. The
24 application form shall be returned within thirty days after
25 the inspection was made giving rise to the council assessment

