1	HOUSE BILL 497
2	43 RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997
3	INTRODUCED BY
4	G. X. MCSHERRY
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10	AN ACT
11	RELATING TO AGRICULTURE; CREATING THE NEW MEXICO SHEEP AND GOAT
12	COUNCIL; ESTABLISHING MEMBERSHIP, POWERS AND DUTIES; AUTHORIZING
13	AN ASSESSMENT; MAKING AN APPROPRIATION.
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	Section 1. SHORT TITLEThis act may be cited as the "New
17	Mexico Sheep and Goat Act".
18	Section 2DEFINITIONSAs used in the New Mexico Sheep
19	and Goat Act:
20	A. "board" means the New Mexico livestock board;
21	B. "council" means the New Mexico sheep and goat
22	council;
23	C. "department" means the New Mexico department of
24	agri cul ture;
25	D. "director" means the director of the New Mexico
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1 department of agriculture;

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2	E. "handler" means any producer, processor,
3	distributor or other person engaged in handling, marketing or
4	dealing in sheep or haired goats; and
5	F. "producer" means any person engaged in the
6	business of raising, breeding, feeding or growing sheep or
7	haired goats.
8	Section 2. SHEEP AND GOAT COUNCIL CREATEDELECTION
9	VACANCIESEX-OFFICIO MEMBERS
10	A. There is created the "New Mexico sheep and goat
11	council", consisting of seven members. Members shall be elected
12	by producers from nominations made to the director by producers
13	or producer organizations.
14	B. The initial members of the council shall be
15	elected as follows:
16	(1) two members for one-year terms;
17	(2) two members for two-year terms; and
18	(3) three members for three-year terms.
19	C. Thereafter, each member shall be elected for a
20	term ending three years from the date of expiration of the term
21	for which his predecessor was elected, except in case of a
22	vacancy, when the appointee shall serve the unexpired part of
23	the term of the member whom he replaces. Vacancies shall be
24	filled by appointment by the director from nominations made by
25	producers and producer organizations. The director shall serve
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as an ex-officio, nonvoting member of the council.

Section 4. COUNCIL MEMBER QUALIFICATIONS. --

A. Each member of the council shall have the
following qualifications, which shall continue during his term
of office:

6 (1) be actively engaged in sheep or goat7 production; or

8 (2) be in some branch of the sheep or haired
9 goat business and during his entire term receive a substantial
10 portion of his income from the sheep or haired goat business.

B. Members of the council shall be elected according to the following plan: two producers from northern New Mexico in areas north of interstate 40, four producers from southern New Mexico in areas south of interstate 40 and one handler of sheep or haired goats or their products.

Section 5. OFFICERS--MEETINGS--EXPENSES.--The council shall elect annually a chairman, vice chairman and such other officers as it deems necessary from among its members. The council shall meet at least once each six months and at such other times as it may be called by the chairman. The council may provide rules for reimbursement of members' expenses while on official business of the council, but such reimbursement shall in no case exceed the provisions of the Per Diem and Mileage Act. Council members shall receive no other compensation, perquisite or allowance.

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1	Section 6. DUTIESPOWERS
2	A. The council shall:
3	(1) conduct marketing programs, including
4	promotion, education and research, promoting sheep and haired
5	goat products;
6	(2) submit to the director a detailed annual
7	budget for the council on a fiscal-year basis and provide a copy
8	of the budget upon request to any person who has paid an
9	assessment or made a contribution under the New Mexico Sheep and
10	Goat Act;
11	(3) bond officers and employees of the council
12	who receive and disburse council funds;
13	(4) keep detailed and accurate records for all
14	receipts and disbursements, have those records audited annually
15	and keep the audit available for inspection in the council
16	office;
17	(5) establish procedures for the adoption of
18	regulations that will provide for input from producers;
19	(6) determine and publish each year the
20	assessment rates to be collected by the board; and
21	(7) employ staff not to exceed three persons.
22	B. The council may:
23	(1) contract for scientific research to
24	discover and improve the commercial value of sheep and haired
25	goats and products thereof;
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(2) disseminate information showing the value 1 of sheep and haired goats and products for any purpose for which 2 they may be found useful and profitable; 3 (3) fund programs to enhance the efficiencies 4 of sheep and haired goat production; 5 (4) make grants to research agencies for 6 financing studies or for the purchase or acquisition of 7 facilities necessary to carry out the purposes of the council as 8 authorized by the New Mexico Sheep and Goat Act; 9 cooperate with any local, state or national (5) 10 organizations or agencies, whether created by law or voluntary, 11 engaged in work activities similar to that of the council, and 12 enter into contracts with those organizations or agencies and 13 expend funds in connection therewith for carrying on joint 14 programs; 15 study federal and state legislation with (6) 16 respect to tariffs, duties, reciprocal trade agreements, import 17 quotas and other matters concerning the effect on the sheep and 18 haired goat industry and represent and protect the interests of 19 the industry with respect to any legislation or proposed 20 legislation or executive action that may affect that industry; 21 enter into contracts that it deems (7) 22 appropriate to the carrying out of the purposes of the council 23 as authorized by the New Mexico Sheep and Goat Act; 24 sue and be sued as a council without (8) 25

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individual liability for acts of the council within the scope of 1 the powers conferred upon it by the New Mexico Sheep and Goat 2 Act; 3 (9) appoint subordinate officers and employees 4 of the council and prescribe their duties and fix their 5 compensation; 6 (10)adopt regulations for the exercise of its 7 powers and duties. A copy of all council regulations shall be 8 filed with the department; and 9 cooperate with other state councils or (11)10 agencies in the collection of assessments. 11 FUNDING. -- In order to accomplish the purposes Section 7. 12 of the New Mexico Sheep and Goat Act, the council is empowered 13 to: 14 receive any funds that may be returned to the New A. 15 Mexico sheep and haired goat industry as its share of 16 assessments collected by a national sheep promotion research and 17 information board or any similar entity; 18 **B**. accept grants, donations, contributions or gifts 19 from any source for expenditure for any purpose consistent with 20 the powers and duties conferred on the council; and 21 receive any other funds that may be authorized by С. 22 law. 23 Section 8. ASSESSMENTS. -- There is levied and imposed upon 24 all sheep and haired goats involved in a transfer of ownership 25 .115291.2 - 6 -

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in the state an assessment to be called the "council 1 The council assessment is to be fixed by the assessment". 2 council at a rate not more than one dollar (\$1.00) per head. 3 The board shall collect this council assessment at the same time 4 and in the same manner as the fee charged for the state 5 inspection required upon the movement of those sheep and haired 6 The board shall not deliver the certificate of goats. 7 inspection or permit the sheep or haired goats to move until all 8 fees have been paid. The proceeds of the council assessment 9 shall be remitted by the board to the council at the end of each 10 month along with information that will allow the council to make 11 necessary refunds. At the request of the board, the council 12 shall reimburse the board for the responsible and necessary 13 expenses incurred for such collections and information not to 14 exceed three percent of collections on those sheep and haired 15 goats involved in a transfer of ownership. 16

Section 9. REFUNDS. -- Any person who has paid a council assessment is entitled to a refund of the amount paid by making written application for the refund to the council. The application form shall be returned within thirty days after the inspection was made giving rise to the council assessment and shall contain enough detail to enable the council to find the record of payment. Refunds shall be made within thirty days of the date of the application unless the proceeds and the necessary information have not been received by the council, in .115291.2

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which case the refund shall be made within fifteen days after receipt of the proceeds and necessary information. The form shall be provided by the board at the time of inspection.

Section 10. DISPOSITION OF FUNDS. --

A. All funds received by the council shall be received and disbursed directly by the council. Such funds shall be audited in accordance with the provisions of the Audit Act. The council is not required to submit vouchers, purchase orders or contracts to the department of finance and administration as otherwise required by Section 6-5-3 NMSA 1978.

B. The council shall issue warrants against funds of the council in payment of its lawful obligations. The council shall provide its own warrants, purchase orders and contract forms as well as other supplies and equipment. All warrants shall be signed by a council member and one other person designated by the council.

C. The council shall designate banks where its funds are to be deposited, provided such banks have been qualified as depository banks for state funds.

Section 11. PROCUREMENT CODE--PERSONNEL ACT--EXEMPTIONS--TORT CLAIMS ACT.--The council is exempt from the provisions of the Procurement Code and the Personnel Act. The council members and employees shall be subject to the Tort Claims Act and shall be provided all insurance and self-insurance coverage provided by the risk management division of the general services .115291.2

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	State of New Mexico
	House of Representatives
1	FORTY- THI RD LEGI SLATURE
2	FIRST SESSION, 1997
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4	
5	February 27, 1997
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7	Mr. Speaker:
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9	Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
10	to whom has been referred
11	
12	HOUSE BILL 497
13	has had it under consideration and reports same with
14	recommendation that it DO PASS , amended as follows:
15	
16	1. On page 2, line 4, after "goats" insert "or their
17	products".
18	
19	2. On page 2, line 8, strike "2" and insert in lieu thereof "3".
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21	3. On page 5, line 12, after "work" insert "or".
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23	4. On page 7, line 13, strike "responsible" and insert in
24	lieu thereof "reasonable".
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FORTY- THI RD LEGI SLATURE FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE FIRST SESSION, 1997

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	State of New Mexico House of Representatives
	FORTY- THI RD LEGI SLATURE
1	FIRST SESSION, 1997
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4	February 27, 1997
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6	Mr. Speaker:
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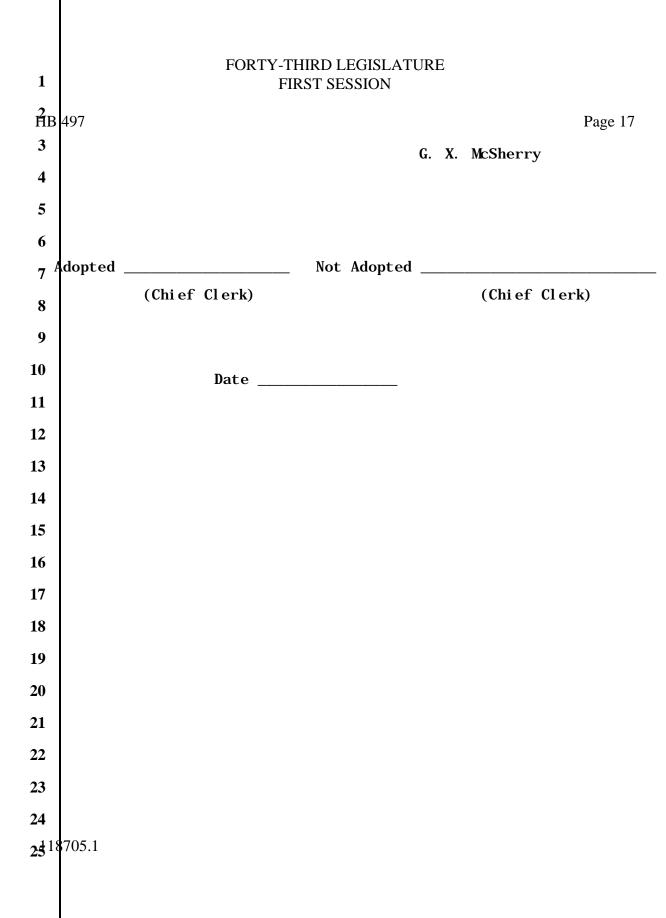
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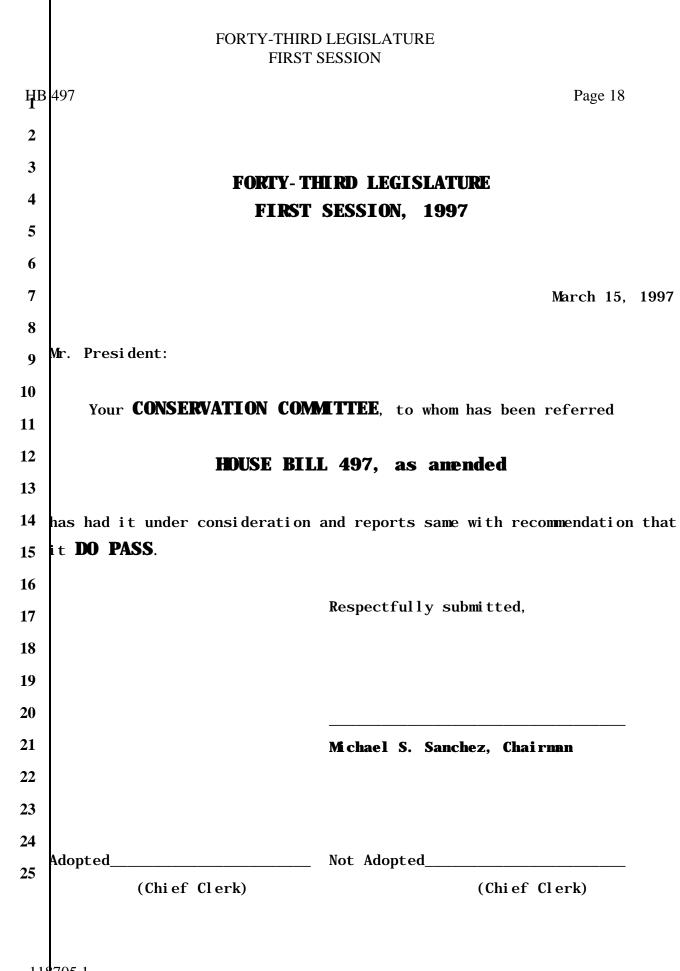
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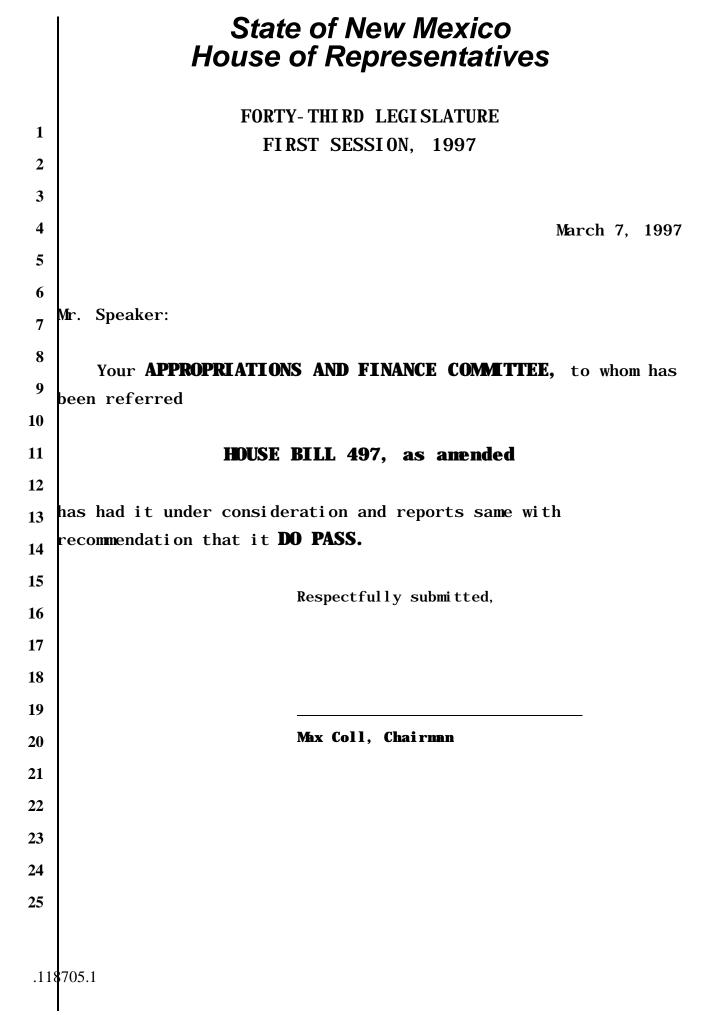
1	FORTY-THIRD LEGISLATURE
	FIRST SESSION
2	
3	March 11, 1997
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6 1 7	OUSE FLOOR AMENDMENT number1 to HOUSE BILL 497, as amended
Q	
9	mendment sponsored by Representative G. X. McSherry
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11	1. On page 7, line 3, strike "one dollar (\$1.00)" and insert in
12 ¹	ieu thereof "seventy-five cents (\$.75)".
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