

**Myles Culbertson, Director, New Mexico Livestock Board**

**Remarks to the Legislative Water and Natural Resources Committee  
Silver City, New Mexico: August 2<sup>nd</sup>, 2011**

Senate Bill 13 was introduced By Senator Asbill in the 2011 legislative session, addressing the issue of the disposition of federally seized livestock. The bill passed the Senate but failed to be brought out for hearing in the House Business & Industry Committee.

The bill was simple, proposing to amend the Livestock Code (77NMSA) to give consistent guidance to the Director and to livestock inspectors in the event of government seizure of livestock, particularly cattle on a federal lease or permit.

Under law and Livestock Board regulations, cattle cannot be shipped from a Livestock Board designated district without having been inspected for ownership and a certificate issued. Under the proposed legislation one or both of the following must be presented to the Livestock Inspector before a certificate of inspection can be issued in cases of seizure by a government entity:

- Permission to issue the inspection, granted by the owner of the brand (hence, the owner of the cattle), or
- A court order issued by a court of competent jurisdiction.

This assures a level of protection for the livestock owner by preventing the government from being able to demand an inspection and proceed with the shipment of seized livestock without one or both criteria having been met.

By adding this amendment to the Livestock Code (77 NMSA), there would no longer a necessity for the Board to have to meet each time, interpret the situation, and instruct the Director as to how to proceed. The statute would assure permanent consistency of response as boards and directors change.

The only opposition to the bill during the 2011 legislature was the result of a couple of individuals seeking legislation with a different purpose, dealing more directly in disputes between livestock owners and the federal government. Although their concern may have been legitimate, the specific issue was not relevant to this proposed legislation and would more appropriately have been addressed by separate legislation in a different bill.

The proposed legislation would simply have provided consistent instructions to the livestock inspector in order to protect the rancher.