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FISCAL IMPACT REPORT

ORIGINAL DATE 2/5/06
 LAST UPDATED 2/8/06 HB 629/aHAGC

SPONSOR Nuñez

SHORT TITLE Livestock Premises Info Confidentiality SB _____

ANALYST Lewis

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 655.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (AGO)
 New Mexico Department of Agriculture (NMDA)

No Response Received From

New Mexico Livestock Board (NMLB)

SUMMARY

Synopsis of HAGC Amendment

The House Agriculture and Water Resources Committee amendment removes the bill's penalties for refusing to provide information or knowingly providing false information to the Livestock Board for purposes of a national livestock identification program.

Synopsis of Original Bill

House Bill 629 enacts a new section of the Livestock Code to provide that records, data and information collected by the state, recorded or otherwise, for the purposes of a national livestock identification program shall be confidential and are not public records for purposes of the Inspection of Public Records Act.

The records, data and information shall be released only upon order of the board to appropriate governmental agencies for the purposes of a national livestock identification program, disease

outbreak or law enforcement investigation; and they shall not be subject to discovery or introduction into evidence in any civil action.

HB 629 further provides that the New Mexico Livestock Board shall not release any records, data or information to a federal agency until the agency confirms in writing that it will maintain the records, data and information as confidential and that they are not subject to release under the federal Freedom of Information Act.

A person who

- 1) knowingly provides false information to the New Mexico Livestock Board for purposes of a national livestock identification program, or
- 2) refuses to provide to the board information that is required pursuant to the authority of the board for purposes of a mandatory national livestock identification program

is guilty of a misdemeanor punishable by a fine of up to \$1,000, imprisonment for up to six months, or both.

SIGNIFICANT ISSUES

According to the New Mexico Department of Agriculture (NMDA),

- 1) The National Animal Identification System (NAIS) was implemented July 2005.
- 2) The NAIS impacts all livestock producers in the state (cattle, dairy cattle, sheep, goats, poultry, horses, donkeys, mules, and other minor species).
- 3) The NAIS also impacts livestock/meat packers, processors, wholesalers/distributors, and retailers.

According to the United States Department of Agriculture's (USDA's) NAIS home page on the web at <http://animalid.aphis.usda.gov/nais/index.shtml> , the National Animal Identification System (NAIS) is a national program intended to identify animals and track them as they come into contact with, or commingle with, animals other than herdmates from their premises of origin.

The system is being developed for all animals that will benefit from rapid tracebacks in the event of a disease concern. Currently, working groups comprised of industry and government representatives are developing plans for cattle, swine, sheep, goats, horses, poultry, bison, deer, elk, llamas, and alpacas.

Already, many of these species can be identified through some sort of identification system, but these systems are not consistent across the country. Tracing an animal's movements can therefore be a time-consuming endeavor during a disease investigation, especially if the animal has moved across state lines.

The Office of the Attorney General (AGO) suggests that the Legislature may want to consider the advantages and disadvantages of prohibiting records, data and information collected by the state for the purposes of a national livestock identification program as evidence in civil actions. What if owner A is negligent and infects owner B's cattle? This information would not be available in B's civil suit against A.