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AN ACT

RELATING TO LIVESTOCK; AMENDING AND REPEALING SECTIONS OF THE LIVESTOCK CODE TO CLARIFY THE DEFINITION OF "LIVESTOCK".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 77-2-1.1 NMSA 1978 (being Laws 1993, Chapter 248, Section 2, as amended by Laws 2001, Chapter 8, Section 2 and also by Laws 2001, Chapter 341, Section 2) is amended to read:

"77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

A. "animals" or "livestock" means all domestic or domesticated animals that are used or raised on a farm or ranch, including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervidae upon any land in New Mexico.

"Animals" or "livestock" does not include canine or feline animals;

B. "bill of sale" means an instrument in substantially the form specified in The Livestock Code by which the owner or the owner's authorized agent transfers to the buyer the title to animals described in the bill of sale;

C. "bison" or "buffalo" means a bovine animal of the species bison;

D. "board" means the New Mexico livestock board;

1 E. "bond" means cash or an insurance agreement
2 from a New Mexico licensed surety or insurance corporation
3 pledging surety for financial loss caused to another,
4 including certificate of deposit, letter of credit or other
5 surety as may be approved by the grain inspection, packers
6 and stockyards administration of the United States department
7 of agriculture or the board;

8 F. "brand" means a symbol or device in a form
9 approved by and recorded with the board as may be sufficient
10 to readily distinguish livestock should they become
11 intermixed with other livestock;

12 G. "brand inspector" means an inspector who is not
13 certified as a peace officer;

14 H. "carcasses" means dead or dressed bodies of
15 livestock or parts thereof;

16 I. "cattle" means animals of the genus bos,
17 including dairy cattle, and does not include any other kind
18 of livestock;

19 J. "dairy cattle" means animals of the genus bos
20 raised not for consumption but for dairy products and
21 distinguished from meat breed cattle;

22 K. "director" means the executive director of the
23 board;

24 L. "disease" means a communicable, infectious or
25 contagious disease;

1 M. "district" means a livestock inspection
2 district;

3 N. "estrays" means livestock found running at large
4 upon public or private lands, either fenced or unfenced,
5 whose owner is unknown, or that is branded with a brand that
6 is not on record in the office of the board or is a freshly
7 branded or marked offspring not with its branded or marked
8 mother, unless other proof of ownership is produced;

9 O. "inspector" means a livestock or brand
10 inspector;

11 P. "livestock inspector" means a certified
12 inspector who is granted full law enforcement powers for
13 enforcement of The Livestock Code and other criminal laws
14 relating to livestock;

15 Q. "mark" means an ear tag or ownership mark that
16 is not a brand;

17 R. "meat" means the edible flesh of poultry, birds
18 or animals sold for human consumption and includes livestock,
19 poultry and livestock and poultry products;

20 S. "mule" means a hybrid resulting from the cross
21 of a horse and an ass; and

22 T. "person" means an individual, firm,
23 partnership, association, corporation or similar legal
24 entity."

25 SECTION 2. Section 77-9-3 NMSA 1978 (being Laws 1895,

1 Chapter 6, Section 1, as amended) is amended to read:

2 "77-9-3. NECESSITY OF BRAND--REBRANDING REQUIRED--
3 EXCEPTIONS.--

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

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

15 C. Unbranded livestock, except offspring with a
16 branded mother or offspring with a mother properly identified
17 as provided in Subsection G of this section, shall be subject
18 to seizure by a peace officer or livestock inspector and
19 shall be handled and disposed of in the same manner as is
20 provided for the handling and disposal of estrays.

21 D. Livestock that are purchased shall be rebranded
22 by the new owner with the new owner's recorded brand within
23 thirty days, except as provided in Section 77-9-4 NMSA 1978.

24 E. Subsection A of this section shall not apply to
25 a person owning horses, mules or asses who has been issued a

1 transportation permit as provided in Section 77-9-42 NMSA
2 1978 or who has a registration certificate for an animal from
3 a recognized breed association or to any person owning
4 horses, mules or asses that have been identified by a freeze
5 mark or a freeze brand recorded with the board. Freeze
6 branding or freeze mark identification requires an iron,
7 first submerged in a bath of liquid nitrogen, to be applied
8 on each animal, resulting in a permanent loss of color in the
9 hair or cessation of hair growth where the brand or mark has
10 been applied.

11 F. This section does not apply to bison, swine,
12 poultry, ratites, ostriches, emus, rheas, camelids and farmed
13 cervidae.

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

23 SECTION 3. REPEAL.--Section 77-9-1.1 NMSA 1978 (being
24 Laws 1999, Chapter 282, Section 46) is repealed. _____