

SENATE BILL 193

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Pat Woods

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

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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 [ø\$] 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 for the responsible and necessary expenses incurred for such collections and information at not more than four cents (\$.04) per [head] one dollar (\$1.00) collected on only those cattle involved in a transfer of ownership and not on refunded council assessments.

B. Producers may elect not to participate in the council assessment for each duly registered New Mexico livestock brand through an application process. The application must be in writing, on a form prescribed by the council for that purpose. SCONC→~~The council assessment opt-out form may be obtained from the council by contacting the council or making an online request for the form. The council~~

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~~assessment opt-out form shall be sent to producers by United States mail.~~←SCONC Incomplete information on an opt-out form may delay the processing of the form. SCONC→~~The council assessment opt-out form shall be returned to the council by United States mail, fax or email.~~←SCONC Upon receipt of the completed form, the council shall notify the board. The board shall enter the request in the board brand database in order to stop collection of the council assessment for the given brand. SCONC→~~The council shall notify the producer requesting the council assessment opt-out within thirty days from the date of receipt of the completed form.~~←SCONC The council assessment opt-out shall be in effect for three years from the application date. SCONC→~~A notice shall be mailed by the council notifying the producer when the three-year opt-out form has expired.~~←SCONC A producer may revoke the opt-out option at any time by request made through the council."

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

"77-2A-7.3. REFUNDS.--Any person who has paid a council assessment is entitled to a refund of the amount paid by making written application therefor 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

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date of the application unless the proceeds and the necessary information have not been received by the council, in 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~~] council."

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