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SENATE BILL 271

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO AGRICULTURE; CREATING THE NEW MEXICO SHEEP AND GOAT COUNCIL; ESTABLISHING MEMBERSHIP, POWERS AND DUTIES; AUTHORIZING AN ASSESSMENT; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the "New Mexico Sheep and Goat Act".

Section 2. -- DEFINITIONS. -- As used in the New Mexico Sheep and Goat Act:

- A. "board" means the New Mexico livestock board;
- B. "council" means the New Mexico sheep and goat council;
- C. "department" means the New Mexico department of agriculture;
- D. "director" means the director of the New Mexico

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1 department of agriculture;

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 CREATED--ELECTION--
9 VACANCIES--EX-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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1 as an ex-officio, nonvoting member of the council.

2 Section 4. COUNCIL MEMBER QUALIFICATIONS. --

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

6 (1) be actively engaged in sheep or goat
7 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.

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

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

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1 Section 6. DUTIES--POWERS. --

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;

1 (2) disseminate information showing the value
2 of sheep and haired goats and products for any purpose for which
3 they may be found useful and profitable;

4 (3) fund programs to enhance the efficiencies
5 of sheep and haired goat production;

6 (4) make grants to research agencies for
7 financing studies or for the purchase or acquisition of
8 facilities necessary to carry out the purposes of the council as
9 authorized by the New Mexico Sheep and Goat Act;

10 (5) cooperate with any local, state or national
11 organizations or agencies, whether created by law or voluntary,
12 engaged in work activities similar to that of the council, and
13 enter into contracts with those organizations or agencies and
14 expend funds in connection therewith for carrying on joint
15 programs;

16 (6) study federal and state legislation with
17 respect to tariffs, duties, reciprocal trade agreements, import
18 quotas and other matters concerning the effect on the sheep and
19 haired goat industry and represent and protect the interests of
20 the industry with respect to any legislation or proposed
21 legislation or executive action that may affect that industry;

22 (7) enter into contracts that it deems
23 appropriate to the carrying out of the purposes of the council
24 as authorized by the New Mexico Sheep and Goat Act;

25 (8) sue and be sued as a council without

1 individual liability for acts of the council within the scope of
2 the powers conferred upon it by the New Mexico Sheep and Goat
3 Act;

4 (9) appoint subordinate officers and employees
5 of the council and prescribe their duties and fix their
6 compensation;

7 (10) adopt regulations for the exercise of its
8 powers and duties. A copy of all council regulations shall be
9 filed with the department; and

10 (11) cooperate with other state councils or
11 agencies in the collection of assessments.

12 Section 7. FUNDING.--In order to accomplish the purposes
13 of the New Mexico Sheep and Goat Act, the council is empowered
14 to:

15 A. receive any funds that may be returned to the New
16 Mexico sheep and haired goat industry as its share of
17 assessments collected by a national sheep promotion research and
18 information board or any similar entity;

19 B. accept grants, donations, contributions or gifts
20 from any source for expenditure for any purpose consistent with
21 the powers and duties conferred on the council; and

22 C. receive any other funds that may be authorized by
23 law.

24 Section 8. ASSESSMENTS.--There is levied and imposed upon
25 all sheep and haired goats involved in a transfer of ownership

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

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

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

4 Section 10. DISPOSITION OF FUNDS. --

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

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

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

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

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1 department.

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

SB 271/a

3
4
5 February 11, 1997

6
7 Mr. President:

8
9 Your CONSERVATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 271

12
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 8, strike "Section 2" and insert in lieu
17 thereof "Section 3".

18
19 2. On page 3, line 15, between "or" and "products" insert
20 "their".

21
22 3. On page 5, line 12, after "work" insert "or".

23
24 4. On page 7, line 3, strike "one dollar (\$1.00)" and insert
25 in lieu thereof "fifty cents (\$.50)".

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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SCONC/SB271

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5. On page 7, line 13, strike "responsible" and insert in lieu thereof "reasonable".

6. On page 7, line 15, strike "three percent of collections" and insert in lieu thereof "three cents (\$.03) per head".

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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SCONC/SB271

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The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Kysar, Lyons, Tsosie

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

SB 271/a

3
4
5 February 28, 1997

6
7 Mr. President:

8
9 Your FINANCE COMMITTEE, to whom has been referred

10
11 SENATE BILL 271, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

15
16 1. Strike Senate Conservation Committee Amendment 6.

17
18 2. On page 2, line 4, after "goats" insert "or their
19 products".

20
21 3. On page 7, line 15, strike "three" and insert in lieu
22 thereof "four".

23
24
25 Respectfully submitted,

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, McKibben, Smith

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 11, 1997

Mr. Speaker:

Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
to whom has been referred

SENATE BILL 271, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike Senate Conservation Committee Amendment 4.

2. On page 7, line 3, strike "one dollar (\$1.00)" and insert
"seventy-five cents (\$.75)".,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/SB 271/a

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Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Dana, Porter, Wright

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 16, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

SENATE BILL 271, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 15 For 0 Against

Yes: 15

Excused: Marquardt, Watchman

Absent: None

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[bracketed material] = delete