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HOUSE BILL 3

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2021

INTRODUCED BY

Rebecca Dow and Gail Armstrong

AN ACT

RELATING TO THE NEW MEXICO LIVESTOCK BOARD; AUTHORIZING THE NEW MEXICO LIVESTOCK BOARD TO CONDUCT MEAT INSPECTIONS TO ENSURE THE SAFETY AND QUALITY OF MEAT FOR HUMAN CONSUMPTION; EXEMPTING PRODUCERS FROM THE GROSS RECEIPTS TAX AND THE GOVERNMENTAL GROSS RECEIPTS TAX FOR THE SALE OF MEAT AND AGRICULTURAL PRODUCTS.

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

SECTION 1. Section 7-9-18 NMSA 1978 (being Laws 1969, Chapter 144, Section 11, as amended) is amended to read:

"7-9-18. EXEMPTION--GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX--AGRICULTURAL PRODUCTS.--

A. Exempted from the gross receipts tax and from the governmental gross receipts tax are the receipts from selling livestock and receipts of growers, producers, trappers

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1 or nonprofit marketing associations from selling livestock,
2 live poultry, [~~unprocessed~~] agricultural products, hides or
3 pelts. Persons engaged in the business of buying and selling
4 wool or mohair or of buying and selling livestock or meat on
5 their own account are producers for the purposes of this
6 section.

7 B. Receipts from selling dairy products at retail
8 are not exempted from the gross receipts tax.

9 C. As used in this section, "livestock" means all
10 domestic or domesticated animals that are used or raised on a
11 farm or ranch, including the carcasses thereof, and also
12 includes horses, asses, mules, cattle, sheep, goats, swine,
13 bison, poultry, ostriches, emus, rheas, camelids and farmed
14 cervidae upon any land in New Mexico; provided that for the
15 purposes of Chapter 77, Article 9 NMSA 1978, "animals" or
16 "livestock" have the meaning defined in that article.

17 "Animals" or "livestock" does not include canine or feline
18 animals. For the purpose of the rules governing meat
19 inspection, wild animals, poultry and birds used for human
20 consumption shall also be included within the meaning of
21 "animals" or "livestock".

22 SECTION 2. Section 77-2-1.1 NMSA 1978 (being Laws 1993,
23 Chapter 248, Section 2, as amended) is amended to read:

24 "77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

25 A. "animals" or "livestock" means all domestic or

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1 domesticated animals that are used or raised on a farm or
2 ranch, including the carcasses thereof, and exotic animals in
3 captivity and includes horses, asses, mules, cattle, sheep,
4 goats, swine, bison, poultry, ostriches, emus, rheas,
5 camelids and farmed cervidae upon any land in New Mexico.

6 "Animals" or "livestock" does not include canine or feline
7 animals. For the purpose of the rules governing meat
8 inspection, wild animals, poultry and birds used for human
9 consumption shall also be included within the meaning of
10 "animals" or "livestock";

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

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

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

18 E. "bond" means cash or an insurance agreement
19 from a New Mexico licensed surety or insurance corporation
20 pledging surety for financial loss caused to another,
21 including certificate of deposit, letter of credit or other
22 surety as may be approved by the grain inspection, packers
23 and stockyards administration of the United States department
24 of agriculture or the board;

25 F. "brand" means a symbol or device in a form

1 approved by and recorded with the board as may be sufficient
2 to readily distinguish livestock should they become
3 intermixed with other livestock;

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

6 H. "carcasses" means dead or dressed bodies of
7 livestock or parts thereof;

8 I. "cattle" means animals of the genus bos,
9 including dairy cattle, and does not include any other kind
10 of livestock;

11 J. "dairy cattle" means animals of the genus bos
12 raised not for consumption but for dairy products and
13 distinguished from meat breed cattle;

14 K. "director" means the executive director of the
15 board;

16 L. "disease" means a communicable, infectious or
17 contagious disease;

18 M. "district" means a livestock inspection
19 district;

20 N. "estrays" means livestock found running at
21 large upon public or private lands, either fenced or
22 unfenced, whose owner is unknown, or that is branded with a
23 brand that is not on record in the office of the board or is
24 a freshly branded or marked offspring not with its branded or
25 marked mother, unless other proof of ownership is produced;

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1 O. "inspector" means a livestock, ~~[or]~~ brand or
2 meat inspector;

3 P. "livestock inspector" means a certified
4 inspector who is granted full law enforcement powers for
5 enforcement of The Livestock Code and other criminal laws
6 relating to livestock;

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

9 R. "meat" means the edible flesh of poultry,
10 birds or animals sold for human consumption and includes
11 livestock, poultry and livestock and poultry products;

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

14 ~~[S.]~~ T. "mule" means a hybrid resulting from the
15 cross of a horse and an ass; and

16 ~~[F.]~~ U. "person" means an individual, firm,
17 partnership, association, corporation or similar legal
18 entity."

19 SECTION 3. Section 77-2-7 NMSA 1978 (being Laws 1967,
20 Chapter 213, Section 6, as amended) is amended to read:

21 "77-2-7. ADDITIONAL POWERS OF THE BOARD.--In addition
22 to the powers transferred from the cattle and sheep sanitary
23 boards, the board may:

24 A. exercise general regulatory supervision over
25 the livestock industry of this state in order to protect the

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1 industry from theft and diseases and in order to protect the
2 public from diseased or unwholesome meat or meat products;

3 B. appoint and fix the salary of an executive
4 director who shall file an oath and be bonded [~~in an amount~~
5 ~~fixed by the board~~]. The director shall manage the affairs
6 of the board under the direction of the board. [~~He~~] The
7 director shall be chosen solely on qualifications and fitness
8 for the office. [~~He~~] The director shall devote [~~his entire~~]
9 all time in office to the duties of the office;

10 C. employ clerical help, provide office space and
11 purchase equipment, including vehicles;

12 D. employ [~~livestock~~] inspectors [~~and brand~~
13 ~~inspectors~~] and other personnel necessary to carry out the
14 purposes of The Livestock Code. All livestock inspectors
15 appointed by the board shall have the same powers as any
16 other peace officer in the enforcement of that code;

17 E. appoint a state veterinarian and subordinate
18 veterinarians as are necessary to carry out the duties of the
19 board;

20 F. adopt and promulgate rules to control the
21 importation and exportation of animals;

22 G. establish livestock inspection districts;

23 H. establish quarantine, provide its boundaries
24 and give notice of the quarantine and do all other things
25 necessary to effect the object of the quarantine and to

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1 protect the livestock industry of this state from disease and
2 prevent the spread of disease;

3 I. adopt and promulgate rules for meat inspection
4 [~~including~~]:

5 (1) to ensure the safety and quality of meat
6 for human consumption; and

7 (2) to include rules for the slaughter and
8 disposition of the carcasses of livestock affected with
9 diseases when the action appears necessary to prevent the
10 spread of any contagion or infection among livestock;

11 J. adopt and promulgate rules governing the
12 importation, manufacture, sale, distribution or use within
13 the state of [~~serums, vaccine~~] sera, vaccines and other
14 biologicals intended for diagnostic or therapeutic uses with
15 livestock and regulate the importation, manufacture or use of
16 virulent blood or living virus of any diseases affecting
17 livestock;

18 K. set fees or charges, not to exceed one hundred
19 dollars (\$100) per call, for any services rendered by the
20 board or its employees that are deemed necessary by the board
21 and for which no fee has been set by statute;

22 L. consider the views of the livestock industry
23 in the administration of The Livestock Code;

24 M. adopt and promulgate rules to otherwise carry
25 out the purposes of The Livestock Code;

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N. hold hearings and subpoena witnesses for the purpose of investigating or enforcing The Livestock Code or rules established pursuant to that code; and

O. enter into joint powers agreements with Indian nations, tribes or pueblos to promote cooperation in carrying out the provisions of The Livestock Code."