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HOUSE BILL 423

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Andy Nunez

AN ACT

RELATING TO LIVESTOCK; AMENDING A SECTION OF THE LIVESTOCK CODE TO PROVIDE FOR ENFORCEMENT OF LIVESTOCK RUNNING AT LARGE PROHIBITIONS; REPEALING SECTIONS 77-14-4 THROUGH 77-14-6 AND 77-14-9 THROUGH 77-14-24 NMSA 1978 (BEING LAWS 1909, CHAPTER 146, SECTIONS 1 THROUGH 3 AND LAWS 1919, CHAPTER 88, SECTIONS 2 THROUGH 5 AND 7 THROUGH 18, AS AMENDED) OF THE LIVESTOCK CODE TO ELIMINATE UNNECESSARY AND OUTDATED PROVISIONS FROM TERRITORIAL LAW.

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

SECTION 1. Section 77-14-7 NMSA 1978 (being Laws 1909, Chapter 146, Section 4, as amended) is amended to read:

"77-14-7. LIVESTOCK RUNNING AT LARGE--WHEN UNLAWFUL--IMPOUNDING--SALE--SUIT FOR DAMAGES.--

A. ~~[After the publication and posting of an order~~

.199757.3

underscored material = new
~~[bracketed material] = delete~~

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1 ~~pursuant to Section 77-14-6 NMSA 1978, it is unlawful for the~~
2 ~~owners of livestock to allow the livestock to run at large~~
3 ~~within the town, conservancy district, irrigation district or~~
4 ~~military reservation or enclave.]~~ An owner who willfully
5 allows livestock to run [at large in violation of the order] on
6 the lands of another is guilty of a misdemeanor and upon
7 conviction shall be punished in accordance with the provisions
8 of Section 31-19-1 NMSA 1978 for each offense.

9 B. The [~~sheriff or other peace officer or proper~~
10 ~~military authority~~] New Mexico livestock board shall impound
11 livestock found running at large and sell the livestock at
12 public auction to the highest bidder for cash after giving
13 notice of the time and place of sale in some newspaper
14 published in the county where the violation occurred three days
15 prior to the day of sale; provided that in the case of a
16 military reservation or enclave, the sale shall be conducted by
17 the board pursuant to the procedure set forth in Section
18 77-14-36 NMSA 1978. The proceeds up to five dollars (\$5.00)
19 per day for each animal shall be retained by the impounding
20 authority to cover its expense and fees. The balance, if any,
21 shall be paid to the general fund.

22 C. The owner of livestock impounded may redeem the
23 livestock at any time prior to sale by paying the impound fees
24 and costs incurred for each day or portion of a day that the
25 livestock has been in custody; provided that in the case of a

.199757.3

underscoring material = new
~~[bracketed material] = delete~~

1 military reservation or enclave, redemption shall be allowed
2 pursuant to Section 77-14-36 NMSA 1978.

3 D. A person claiming damages for violation of the
4 order may file suit to recover damages as in other civil cases;
5 provided that such damages, in the case of a violation
6 involving a military reservation or enclave, shall include
7 direct, indirect, incidental and consequential damages."

8 SECTION 2. REPEAL.--Sections 77-14-4 through 77-14-6 and
9 77-14-9 through 77-14-24 NMSA 1978 (being Laws 1909, Chapter
10 146, Sections 1 through 3 and Laws 1919, Chapter 88, Sections 2
11 through 5 and 7 through 18, as amended) are repealed.