

This rule was filed as 21 NMAC 25.1.

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 25 AGRICULTURAL MARKETING, PROCESSING AND INSPECTION
PART 1 GENERAL PROVISIONS

21.25.1.1 ISSUING AGENCY: NM Beef Council
[10-31-97; Recompiled 12/31/01]

21.25.1.2 SCOPE: Members of the NM Beef Council
[10-31-97; Recompiled 12/31/01]

21.25.1.3 STATUTORY AUTHORITY: NM Beef Council Act 77-2A-1 to 77-2A-9; 77-2A-10; 77-2A-11
[12-02-86, 01-10-91, 03-18-93, 10-31-97; Recompiled 12/31/01]

21.25.1.4 DURATION: Permanent
[10-31-97; Recompiled 12/31/01]

21.25.1.5 EFFECTIVE DATE: March 18, 1993, unless a different date is cited at the end of a section or paragraph.
[10-31-97; Recompiled 12/31/01]

21.25.1.6 OBJECTIVE: The objective is to prescribe the process for the election of NM Beef Council officers, to establish procedures for setting meeting dates and notification of meeting dates, to establish reimbursement procedures for NM Beef Council Directors, to establish accountability to NMDA for submission of the budget, to state procedures for adopting, amending and filing rules and regulations, to establish procedures for fiscal records and disbursements and to delineate causes for removal of members.
[10-31-97; Recompiled 12/31/01]

21.25.1.7 DEFINITIONS: [RESERVED]
[Recompiled 12/31/01]

21.25.1.8 OFFICERS -- ELECTION -- DUTIES:

A. Election of Officers. The council shall at its annual meeting elect a chairman, vice chairman, secretary, and other officers, as it deems necessary, from among its members.

B. Eligibility. Any member of the council is eligible as an officer except ex-officio members. Ex-officio members have no voting rights.

C. Tenure and Vacancy. Each officer of the council shall be elected for a one-year term and shall not serve in that office for more than two consecutive terms. Any vacancy shall be filled by election at the next council meeting. Election to a vacant office shall be for the unexpired term of the vacancy.

D. Duties of the Chairman. The council chairman shall perform the duties stated in Section 6 of the Act, Section 77-2A-6 NMSA 1978 as amended. The chairman shall preside at council meetings and shall be vested with the same (moving and voting) privileges accorded any other member. The chairman shall sign the official Minutes of all meetings after the council has approved same. The chairman shall perform such other duties as may be stated in these regulations, the law, and as may be set by the council.

E. Duties of the Vice Chairman. In the absence or incapacity of the chairman, the vice chairman shall assume the duties of the chairman. The vice chairman shall perform such other duties as may be stated in these regulations, the law, and as may be set by the council.

F. Duties of the Secretary. The secretary shall sign the draft Minutes of the council meetings. The secretary shall sign, together with the chairman, council Minutes when officially approved. The secretary shall perform such other duties as the council may direct.

G. Bond. All council members, and employees who receive and disburse council funds, shall be bonded.
[12-02-86; 07-19-90; 03-18-93; Recompiled 12/31/01]

21.25.1.9 MEETINGS:

A. Regular Meetings. The council shall meet at least three times a year in addition to the annual meeting to be held in June of each year.

B. Special Meetings. Special council meetings may be called by the chairman at any time or the chairman shall call a special meeting when so requested by at least four council members.

C. Notice of Meetings.

(1) Regular Meetings. The council sets the date, time and place for the next meeting at the end of each meeting. Written notice of the date, time and place of each regular meeting shall be mailed to each council member at least five days prior to the date of the meeting. Notice of the regular council meetings shall be published at least five days before the meeting in a newspaper of general circulation.

(2) Special Meetings. The chairman shall set the date, time and place for any special meetings. Reasonable efforts, either written or oral, shall be made to notify each council member prior to the special meeting. If possible, notice of special council meetings shall be published in a newspaper of general circulation.

D. Agenda. A proposed agenda shall be prepared for each regular council meeting and mailed to each council member at least five days before each regular meeting. At any time prior to a regular meeting, any council member may place additional items on the agenda. The agenda shall set the order of business. During any regular or special council meeting, any council member with the approval of a majority of those members present may place an additional item on the agenda. Except as otherwise provided, the agenda provision does not apply to special council meetings.

E. Quorum. A majority of the voting members of the council shall constitute a quorum for the transaction of business.

F. Public Meeting. The council shall abide by the "Public Meetings Act" (Sections 10-15-1 to 10-15-4 NMSA 1978).

G. Mileage and Per Diem. The council may establish, by a majority of those members present at a regular meeting, mileage and per diem rates for its members and ex-officio members which shall not exceed those provided for in the "Mileage and Per Diem Act" (Sections 10-8-1 to 10-8-8 NMSA 1978).
[12-02-86; 07-19-90; 03-18-93; Recompiled 12/31/01]

21.25.1.10 ANNUAL BUDGET: The council will submit to the secretary of the New Mexico Department of Agriculture a detailed annual budget and provide a copy of such budget upon request to any person providing proof of having been assessed under CFR7, 1260.
[03-18-93; Recompiled 12/31/01]

21.25.1.11 PROCEDURE FOR ADOPTION OF REGULATIONS:

A. The council shall hold at least one public hearing before promulgating any regulation and provide producers and other interested parties an opportunity to submit oral or written input at the council's discretion.

B. The council, at its discretion, shall set a hearing place or hearing places. In selecting a hearing site or sites the council shall consider where the proposed regulation will receive the greatest input.

C. Notices of the hearings shall be published once at least twenty (20) days prior to the date of the hearing, in a newspaper of general circulation in the state, and *The Stockman* magazine, except in emergency situations.

[12-02-86; Recompiled 12/31/01]

21.25.1.12 AMENDING OR REPEALING REGULATIONS:

A. The council is vested with the authority to amend or repeal these regulations by affirmative vote of a majority of council members.

B. Copies of proposed amendments or repeals shall be submitted to each council member at least twenty (20) days prior to the meeting at which the proposal is to be acted upon, unless waived by a majority of those council members present or in emergency situations.
[12-02-86; Recompiled 12/31/01]

21.25.1.13 PROCEDURES FOR FILING REGULATIONS: All regulations adopted by the council shall be filed with the New Mexico Department of Agriculture and the State Records Center.
[12-02-86; Recompiled 12/31/01]

21.25.1.14 RECORDS AND DISBURSEMENTS: The council shall keep detailed and accurate records of all receipts and disbursements, have such records audited annually, and keep such audit available for inspection at the council office.

A. All monies received by the council shall be deposited in a bank that qualifies as a depository for state funds.

B. Monies withdrawn from or paid out of such accounts shall require two authorized signatures. A receipt, voucher, or other written record showing clearly the nature and items covered by each check or other order shall be retained.

C. All monies received shall be used by the council in carrying out the "New Mexico Beef Council Act" and/or the "Cattlemen's Beef Promotion and Research Act."
[12-02-86; 03-18-93; Recompiled 12/31/01]

21.25.1.15 REMOVAL OF MEMBERS:

A. The director shall, upon petition of majority of council, immediately declare the office of any member of the council vacant whenever such member has ceased to be an active producer or feeder in this state, has become a resident of another state, or is not fulfilling the duties of his office.

B. The director shall fill vacancies by appointing a replacement to serve the unexpired term.
[03-18-93; Recompiled 12/31/01]

21.25.1.16 CONFLICT OF INTEREST: The Beef Council shall be subject to the Conflict of Interest Act insofar as it is applicable.
[01-10-91; Recompiled 12/31/01]

21.25.1.17 SEVERABILITY CLAUSE: If any part or application of these regulations is held invalid the remainder of it and its applications to other situations or persons shall not be affected.
[12-02-86; Recompiled 12/31/01]

HISTORY OF 21.25.1 NMAC

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives under:
NMC Rule # 93-1 Rules and Regulations, filed 06-25-96.

History of Repealed Material: [RESERVED]