

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 508 ERRDS, NEW MEXICO LIVESTOCK BOARD

1.18.508.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[1.18.508.1 NMAC - Rp, 1.18.508.1 NMAC, 01/05/2014]

1.18.508.2 SCOPE: New Mexico livestock board
[1.18.508.2 NMAC - Rp, 1.18.508.2 NMAC, 01/05/2014]

1.18.508.3 STATUTORY AUTHORITY: Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.508.3 NMAC - Rp, 1.18.508.3 NMAC, 01/05/2014]

1.18.508.4 DURATION: permanent
[1.18.508.4 NMAC - Rp, 1.18.508.4 NMAC, 01/05/2014]

1.18.508.5 EFFECTIVE DATE: January 5, 2014, unless a later date is specified at the end of a section.
[1.18.508.5 NMAC - Rp, 1.18.508.5 NMAC, 01/05/2014]

1.18.508.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act pursuant to Section 14-3-6 NMSA 1978.
[1.18.508.6 NMAC - Rp, 1.18.508.6 NMAC, 01/05/2014]

1.18.508.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. "Archives"** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- E. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- F. "Estray"** means livestock of unknown ownership (Sections 77-13-1 through 77-13-10, NMSA 1978).
- G. "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (e.g. transfer to archives or destruction).
- H. "Microphotography"** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission.
- I. "Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- J. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- K. "Public record"** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection

with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

L. "Records custodian" means the statutory head of the agency using or maintaining the records or the custodian's designee.

M. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

N. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

O. "Records retention and disposition schedule" means rules adopted by the commission (Section 14-3-4 NMSA 1978) describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

P. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

Q. "Sales ring" means any facility in the state of New Mexico, which is used for the purpose of holding consignment sales of livestock. Sales ring is also referred to as a livestock market.
[1.18.508.7 NMAC - Rp, 1.18.508.7 NMAC, 01/05/2014]

1.18.508.8 ABBREVIATIONS AND ACRONYMS:

A. "CFR" stands for code of federal regulations.

B. "EDRRDS" stands for education records retention and disposition schedules.

C. "ERRDS" stands for executive records retention and disposition schedules.

D. "GRRDS" stands for general records retention and disposition schedules.

E. "JRRDS" stands for judicial records retention and disposition schedules.

F. "LRRDS" stands for legislative records retention and disposition schedules.

G. "LGRRDS" stands for local government records retention and disposition schedules.

H. "SRCA" stands for state records center and archives.

I. "USC" stands for United States code.

[1.18.508.8 NMAC - Rp, 1.18.508.8 NMAC, 01/05/2014]

1.18.508.9 INSTRUCTIONS:

A. Records retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules promulgated by the commission for state agencies. General schedules list records common to all agencies and executive schedules list records specific to an agency. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records

(2) **Maintenance system** - describes how an agency files (organizes) records

(3) **Description** - describes the purpose and content of a record

(4) **Retention** - defines the length of time records must be kept before they are eligible for destruction or archival preservation.

B. For records of a general administrative nature, refer to the GRRDS, General Administrative, 1.15.2 NMAC.

C. For records of a financial nature, refer to the GRRDS, General Financial, 1.15.4 NMAC.

D. For records of a personnel nature, refer to the GRRDS, General Personnel, 1.15.6 NMAC.

E. For records of a medical nature, refer to the GRRDS, General Medical, 1.15.8 NMAC.

F. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

G. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are included in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

H. Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a

confidentiality note in the description of a record series does not waive confidentiality. Refer questions documenting the confidentiality of a file to legal counsel for the agency.

I. Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (Section 14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 14-1-6 NMSA 1978).

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

K. Email is a transmission medium for content that may or may not be a public record. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

L. Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

[1.18.508.9 NMAC - Rp, 1.18.508.9 NMAC, 01/05/2014]

1.18.508.10 - 1.18.508.14 [RESERVED]

1.18.508.15 LIVESTOCK DATABASE:

A. Program: livestock
B. Maintenance system: numerical by primary key
C. Description: database maintains information documenting livestock brands, livestock inspections, facility inspections, quarantine notices, etc. Data may include brand information (e.g., brand requestors name, address, telephone number, image of brand, brand number, expiration date, recorded date, county name, district, etc.), inspection data, quarantine notice and release data, fees paid, etc.

D. Data retention:

- (1) **Brand data:**
 - (a) **Approved:** seven years from date of brand ownership expiration or termination
 - (b) **Withdrawn:** two years from date brand application withdrawn
- (2) **Estray data:** three years from date of final resolution
- (3) **Holding brand data:** three years from date of expiration of permit
- (4) **State brand book data:** permanent
- (5) **Lost, missing or stolen livestock data:** seven years from date of final board action
- (6) **Inspector report data:** 25 years from date of report
- (7) **Sales barn transaction and livestock inspection report data:** 25 years from date facility is

closed

- (8) **Sales barn facility data:** 25 years from date facility is closed
- (9) **Quarantine data:** 25 years from date of quarantine release
- (10) **Transportation of dead animals permit data:** six years from date permit book complete and

received

- (11) **Hide inspection report data:** seven years from date of report
- (12) **Livestock health protection inspection data:** five years from date of inspection
- (13) **Livestock laboratory test results data:** five years from test date
- (14) **Veterinary drug approval request data:**
 - (a) **Approved:** three years from date of approval
 - (b) **Denied:** one year from date of denial
- (15) **Commuter herd permit data:** three years from date of expiration of permit

(16) Equine retirement facilities data:

- (a) Approved:** five years from date of closure of facility
- (b) Denied:** three years from date of application denied

(17) Equine semen and embryo import and export permit data:

- (a) Approved:** three years from date of expiration of permit
- (b) Denied:** three years from date of denied application

E. Input: all documents used as input for the *livestock database* are filed in the corresponding *brand files*, 1.18.508.16 NMAC; *estrays files*, 1.18.508.17 NMAC; *holding brand files*, 1.18.508.19 NMAC; *lost missing or stolen livestock files*, 1.18.508.20 NMAC; *inspector report files*, 1.18.508.35 NMAC; *sales barn transaction and livestock inspection report files*, 1.18.508.36 NMAC; *sales barn facility files*, 1.18.508.37 NMAC; *quarantine files*, 1.18.508.38 NMAC; *transportation of dead animals permit books*, 1.18.508.39 NMAC; *hide inspection report files*, 1.18.508.40 NMAC; *livestock health protection inspection files*, 1.18.508.50 NMAC; *livestock laboratory test result files*, 1.18.508.51 NMAC; *veterinary drug approval files*, 1.18.508.52 NMAC; *commuter herd permit files*, 1.18.508.53 NMAC; *equine retirement facility files*, 1.18.508.54 NMAC and *equine semen and embryo import and export permit files*, 1.18.508.55 NMAC.

F. Output: Because the *livestock database* is a data-based system; required, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity. Some of the reports may include the following *brand master list for re-record report, brand count by county report, re-record notice report, state brand book, special sheep report, etc.*
[1.18.508.15 NMAC - Rp, 1.18.508.15 NMAC, 01/05/2014]

1.18.508.16 BRAND FILES:

A. Program: brands
B. Maintenance system: numerical by master number
C. Description: records documenting the application and issuance history of a brand or mark by any person, association or corporation. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include application (e.g., brand owner's name, address, county, district, positions for brand and mark, master number, type of animal, owner's signature, processor's signature, approval signature, etc.), re-record notice, *alternative to branding for cattle in confined feeding operations application*, copy of *brand bill of sale, brand exemption application, brand re-record form, cattle and horse brand application, sheep and goat brand application*, correspondence, etc.

D. Retention:

- (1) Approved brand:** seven years from date of brand ownership expiration or termination
- (2) Withdrawn brand:** two years from date brand application withdrawn

[1.18.508.16 NMAC - Rp, 1.18.508.16 & 17 NMAC, 01/05/2014]

1.18.508.17 ESTRAY FILES:

A. Program: brands
B. Maintenance system: chronological by date
C. Description: records documenting inspections of the sale of livestock whose ownership is in question. Portions of this file are input into the *livestock database*, 1.18.508.15 NMAC. Files may include estray inspector's report, copy of payment to livestock owner, correspondence, etc.

D. Retention: three years from date of final resolution

[1.18.508.17 NMAC - Rp, 1.18.508.25 NMAC, 01/05/2014]

1.18.508.18 STATE BRAND BOOK:

A. Program: brands
B. Maintenance system: chronological by re-record year
C. Description: the state brand book is published by the New Mexico livestock board as the annual record of all registered brands, marks and electronic identification used for the identification of livestock. The publication shows brand owner's name; address; subsequent transfers of brand ownership; brand; position of brand; ear marks; master number; county; etc.

D. Retention: permanent, transfer to archives when superseded by new publication

[1.18.508.18 NMAC - Rp, 1.18.508.18 NMAC, 01/05/2014]

1.18.508.19 HOLDING BRAND FILES:

- A. **Program:** brands
- B. **Maintenance system:** chronological by date, then numerical by master number
- C. **Description:** records documenting the application and issuance of a holding brand permit allowing out-of-state cattle to enter New Mexico for grazing. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include application (e.g., holding brand owner's name, address, telephone number, positions for holding brand, master number, amount received, applicant's signature, etc.), correspondence, etc.
- D. **Retention:** three years from date of expiration of permit
[1.18.508.19 NMAC - N, 01/05/2014]

1.18.508.20 LOST, MISSING OR STOLEN LIVESTOCK FILES:

- A. **Program:** brands
- B. **Maintenance system:** numerical by master number
- C. **Description:** records documenting lost, missing or stolen livestock reported to the board. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include inspector's report, photographs, correspondence, etc.
- D. **Retention:** seven years from date of final board action
[1.18.508.20 NMAC - N, 01/05/2014]

1.18.508.21 - 1.18.508.34 [RESERVED]

1.18.508.35 INSPECTOR REPORT FILES:

- A. **Program:** inspection
- B. **Maintenance system:** chronological by date, then numerical by district
- C. **Description:** records documenting the inspection of livestock for disease during sale, slaughter or transport across state or district lines. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include official *certificate of livestock inspection*, copy of *certificate of hide and slaughter inspection*, truck clearance, statement of inspection charges, transportation report, impoundment form, correspondence, etc.
- D. **Retention:** 25 years from date of report
[1.18.508.35 NMAC - Rp, 1.18.508.21 NMAC, 01/05/2014]

1.18.508.36 SALES BARN TRANSACTION AND LIVESTOCK INSPECTION REPORT FILES:

- A. **Program:** inspection
- B. **Maintenance system:** chronological by date, then alphabetical by facility name
- C. **Description:** records documenting the inspection and sale of livestock at sales rings. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include *inspection report*, *sales ring check in sheets*, *sales ring purchase sheets*, correspondence, etc.
- D. **Retention:** 25 years from date facility is closed
[1.18.508.36 NMAC - Rp, 1.18.508.22 NMAC, 01/05/2014]

1.18.508.37 SALES BARN FACILITY FILES:

- A. **Program:** inspection
- B. **Maintenance system:** chronological by date, then alphabetical by facility name
- C. **Description:** records documenting the application and licensure history of any place, establishment or facility operating as a public market for livestock. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include copy of auction market license; copy of the department of agriculture grain inspection; packers and stockyards administration *application for registration*; *bond required of livestock market agencies*; *dealers and packers*; correspondence; etc.
- D. **Retention:** 25 years from date facility is closed
[1.18.508.37 NMAC - Rp, 1.18.508.23 NMAC, 01/05/2014]

1.18.508.38 QUARANTINE FILES:

- A. **Program:** inspection
- B. **Maintenance system:** chronological by date, then alphabetical by district, then by disease

C. Description: records documenting the notice and release of a quarantine status for a ranch or facility confirmed disease outbreak. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include copy of quarantine notice, copy of quarantine release, correspondence, etc.

D. Retention: 25 years from date of quarantine release
[1.18.508.38 NMAC - Rp, 1.18.508.24 NMAC, 01/05/2014]

1.18.508.39 TRANSPORTATION OF DEAD ANIMAL PERMIT BOOKS:

A. Program: inspection

B. Maintenance system: chronological by date

C. Description: records documenting the transportation of dead livestock. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Permits may show date of movement, location and animal identification, etc.

D. Retention: 25 years from date permit book complete and received
[1.18.508.39 NMAC - Rp, 1.18.508.26 NMAC, 01/05/2014]

1.18.508.40 HIDE INSPECTION REPORT FILES:

A. Program: inspection

B. Maintenance system: chronological by date

C. Description: records documenting the inspection of hides for purposes of identification and verification of ownership. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include inspector's report, correspondence, etc.

D. Retention: seven years from date of report
[1.18.508.40 NMAC - N, 01/05/2014]

1.18.508.41 CATTLE AND SHEEP REST STATION LICENSURE FILES:

A. Program: inspection

B. Maintenance system: chronological by date, then alphabetical by station name

C. Description: records documenting the licensure history of cattle and sheep rest stations in the state. Files may include application, copy of license issued, inspector's report, correspondence, etc.

D. Retention: seven years from date of licensure expiration or termination
[1.18.508.41 NMAC - N, 01/05/2014]

1.18.508.42 - 1.18.508.49 [RESERVED]

1.18.508.50 LIVESTOCK HEALTH PROTECTION INSPECTION FILES:

A. Program: state veterinarian

B. Maintenance system: chronological by date, then alphabetical by county

C. Description: records documenting inspection of livestock by the state veterinarian to prevent the introduction of animal diseases into the state. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include *certificate of veterinarian inspection*, test results, correspondence, etc.

D. Retention: five years from date of inspection
[1.18.508.50 NMAC - N, 01/05/2014]

1.18.508.51 LIVESTOCK LABORATORY TEST RESULT FILES:

A. Program: state veterinarian

B. Maintenance system: chronological by date

C. Description: records documenting laboratory tests performed on specimens from livestock. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may contain type of test performed (e.g., equine piroplasmiasis test, equine viral arteritis test, trichomoniasis test, brucellosis test, Coggins test, etc.), correspondence, etc.

D. Retention: five years from test date
[1.18.508.51 NMAC - N, 01/05/2014]

1.18.508.52 VETERINARY DRUG APPROVAL FILES:

A. Program: state veterinarian

B. Maintenance system: chronological by date

C. Description: records documenting the registration and approval of veterinary drugs to be imported, distributed, administered and manufactured in the state. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include application (e.g., name of applicant, address, product name, product description, protocol and labeling information, United States department of agriculture code, list of livestock species for which product is intended, amount received, approval signature, etc.), letter requesting approval, letter of denial, correspondence, etc.

D. Retention:

(1) **Approved applications:** three years from date of approval

(2) **Denied applications:** one year from date of denial

[1.18.508.52 NMAC - N, 01/05/2014]

1.18.508.53 COMMUTER HERD PERMIT FILES:

A. Program: state veterinarian

B. Maintenance system: chronological by date

C. Description: records documenting the application for a permit allowing the commute of cattle herds between state lines. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include application, copy of permit (e.g., owners name, ranch name, number of cattle, property owners name, date of movement into state, approval signature, etc.), correspondence, etc.

D. Retention: three years from date of expiration of permit

[1.18.508.53 NMAC - N, 01/05/2014]

1.18.508.54 EQUINE RETIREMENT FACILITY FILES:

A. Program: state veterinarian

B. Maintenance system: chronological by date, then alphabetical by facility name

C. Description: records documenting the inspection and licensure history of horse rescue or retirement facilities. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include application for registration, copy of articles of incorporation, copy of by-laws, copy of list of board of directors, copy of documentation of federal non-profit tax status, copy of mission statement, copy of animal health protocols, copy of individual animal records, adoption application forms, copy of drawings of facility layout, copy of emergency evacuation plans, copy of training required for volunteers, copy of barn rules, facility inspection report, complaints, renewal application, correspondence, etc.

D. Retention:

(1) **Approved applications:** five years from date of closure of facility

(2) **Denied applications:** three years from date of application

[1.18.508.54 NMAC - N, 01/05/2014]

1.18.508.55 EQUINE SEMEN AND EMBRYO IMPORT AND EXPORT PERMIT FILES:

A. Program: state veterinarian

B. Maintenance system: chronological by date, then alphabetical by stud owner's name

C. Description: records documenting the application and issuance of a permit for equine semen and embryos to be imported or exported into or from the state. Portions of this record are input to the *livestock database*, 1.18.508.15 NMAC. Files may include application, copy of stallion's equine viral arteritis vaccination certificate, copy of equine infection anemia status, correspondence, etc.

D. Retention:

(1) **Approved applications:** three years from date of expiration of permit

(2) **Denied applications:** three years from date of denied application

[1.18.508.55 NMAC - N, 01/05/2014]

HISTORY OF 1.18.508 NMAC:

Pre-NMAC Filing History: The material in this part was derived from that previously filed with the State Records Center under:

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SRC Rule 82-3, Records Retention and Disposition Schedule for New Mexico Livestock Board, filed 12/14/81; and

SRC Rule No. 84-08, Records Retention and Disposition Schedule for New Mexico Livestock Board, filed 5/1/84.

History of Repealed Material:

1.18.508 NMAC, ERRDS, New Mexico Livestock Board, filed 03/12/2002 - Repealed, effective 04/05/2004.
1.18.508 NMAC, ERRDS, New Mexico Livestock Board, filed 03/05/2004 - Repealed, effective 01/05/2014.

REPEALED