

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 26 PRODUCE MARKETING BOARDS
PART 2 CHILE ASSESSMENT

21.26.2.1 ISSUING AGENCY: Dave Layton, Chairman, New Mexico Chile Commission, 4065 J Street. SE, Deming, NM 88030, Telephone (575) 546-8863.
[9/15/97; 21.26.2.1 NMAC - Rn & A, 21 NMAC 26.2.1, 08/01/08]

21.26.2.2 SCOPE: This rule establishes the commission assessment for New Mexico chile peppers.
[9/15/97; 21.26.2.2 NMAC - Rn, 21 NMAC 26.2.2, 08/01/08]

21.26.2.3 STATUTORY AUTHORITY: Granted to the New Mexico chile commission under the Agricultural Commodity Commission Act, Chapter 76, Article 21, Section 1-22, NMSA 1978 Compilation.
[9/15/97; 21.26.2.3 NMAC - Rn, 21 NMAC 26.2.3, 08/01/08]

21.26.2.4 DURATION: Permanent
[9/15/97; 21.26.2.4 NMAC - Rn, 21 NMAC 26.2.4, 08/01/08]

21.26.2.5 EFFECTIVE DATE: September 15, 1997
[9/15/97; 21.26.2.5 NMAC - Rn, 21 NMAC 26.2.5, 08/01/08]

21.26.2.6 OBJECTIVE: To establish the commission assessment for chile peppers and a provision for a refund.
[9/15/97; 21.26.2.6 NMAC - Rn, 21 NMAC 26.2.6, 08/01/08]

21.26.2.7 DEFINITIONS:

- A. "Commission" means the New Mexico chile commission.
- B. "Handler" means any producer, processor, distributor or other person engaged in the handling or marketing of chile peppers.
- C. "Chile peppers" includes green chile varieties, jalapenos, red chile varieties, cayenne, pimento and bell peppers.
- D. "Producer" means any person engaged in a proprietary capacity in the commercial production of chile peppers within New Mexico.

[8/30/97; 9/15/97; 21.26.2.7 NMAC - Rn, 21 NMAC 26.2.7, 08/01/08]

21.26.2.8 ASSESSMENT:

- A. The commission assessment rate is set at \$.625 per ton of fresh chile peppers and \$1.25 per ton of dry chile peppers.
- B. The first handler shall deduct the assessment from the amount paid to the producer.
- C. The first handler shall make payment of the assessment to the New Mexico chile commission. Payment dates for fresh chile peppers shall be prior to December 1. Payment dates for dry chile peppers shall be prior to April 1.
- D. Producers may obtain assessment refunds by making an application to the commission. Application shall be made on forms approved by the commission within thirty (30) days after the sale of assessed chile. The commission shall make refunds within thirty (30) days of the date the application is received, unless the proceeds and the necessary information have not been received by the commission, in which case the refund will be made within fifteen (15) days after receipt of the proceeds and necessary information.

[9/15/97; 21.26.2.8 NMAC - Rn & A, 21 NMAC 26.2.8, 08/01/08]

HISTORY OF 21.26.2 NMAC:

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

NMCC Regulation No. 1, Assessment Rate, filed 3/24/89.

NMCC Regulation No. 2, Assessment No. 2, filed 9/24/90.

History of Repealed Material: [RESERVED]