

This rule was filed as 21 NMAC 26.3.

**TITLE 21      AGRICULTURE AND RANCHING**  
**CHAPTER 26    PRODUCE MARKETING BOARDS**  
**PART 3         DRY ONION ASSESSMENT**

**21.26.3.1        ISSUING AGENCY:** Joe Nelson, Chairman; New Mexico Dry Onion Commission, P. O. Box 30005, MSC 3189, Las Cruces, NM 88003-8005, Telephone (505) 646-4929.  
[09/15/97; Recompiled 12/31/01]

**21.26.3.2        SCOPE:** This rule establishes the commission assessment for New Mexico dry onions.  
[09/15/97; Recompiled 12/31/01]

**21.26.3.3        STATUTORY AUTHORITY:** Granted to the New Mexico dry onion commission under the Agricultural Commodity Commission Act, Chapter 76, Article 21, Section 1-22, NMSA 1978 Compilation.  
[09/15/97; Recompiled 12/31/01]

**21.26.3.4        DURATION:** Permanent  
[09/15/97; Recompiled 12/31/01]

**21.26.3.5        EFFECTIVE DATE:** September 15, 1997  
[09/15/97; Recompiled 12/31/01]

**21.26.3.6        OBJECTIVE:** To establish the commission assessment for dry onions and a provision for a refund.  
[09/15/97; Recompiled 12/31/01]

**21.26.3.7        DEFINITIONS:**  
A. "Commission" means the New Mexico dry onion commission.  
B. "Handler" means any producer, processor, distributor or other person engaged in the handling or marketing of dry onions.  
C. "Producer" means any person engaged in a proprietary capacity in the commercial production of dry onions within New Mexico.  
[09/15/97; Recompiled 12/31/01]

**21.26.3.8        ASSESSMENT:**  
A. The commission assessment rate is set at two cents (\$.02) per fifty (50) pounds of dry onions.  
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 dry onion commission. Payment dates shall be August 31, October 31, and April 30.  
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 dry onion. 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.  
[09/15/97; Recompiled 12/31/01]

**HISTORY OF 21.26.3 NMAC:**

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

- NMDOC Regulation No. 1, 1985 Assessment Rate, filed 7/12/85.
- NMDOC Regulation No. 2, Assessment Rate, filed 2/5/87.
- NMDOC Regulation No. 3, Assessment Rate, filed 6/2/87.
- NMDOC Regulation No. 4, Assessment Rate, filed 5/23/88.
- NMDOC Regulation No. 5, Assessment Rate, filed 6/14/89.

NMDOC Regulation No. 6, Assessment Rate, filed 6/1/90.

History of Repealed Material: [RESERVED]