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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/13
 LAST UPDATED 02/01/13

SPONSOR Ingle HB _____

SHORT TITLE Repeal Fruit and Vegetable Standards Statutes SB 138/aSCON

ANALYST Hartzler-Toon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Agriculture (NMDA)

SUMMARY

Synopsis of SCON Amendment

The Senate Conservation Committee amendment to Senate Bill 138 repeals Section 76-15-22 NMSA 1978, a provision describing whether standards promulgated under the proposed-repealed Fruit and Vegetable Standards Act (Section 76-15-1 through 76-15-9 NMSA 1978) would control when compared to those established under the Produce Marketing Act (Section 76-15-10 through 76-15-22). The effect of the amendment would render standards promulgated for the grading of fruit and produce under the Produce Marketing Act as controlling.

Synopsis of Original Bill

Senate Bill 138 would repeal the Fruit and Vegetable Standards Act (Section 76-15-1 through 76-15-9 NMSA 1978), which has been replaced, in effect, by the Produce Marketing Act (Section 76-15-10 through 76-15-22).

FISCAL IMPLICATIONS

This bill does not contact an appropriation. Since the NMDA uses the fees and operations provisions under the Produce Marketing Act to conduct inspections of produce and enforcement of produce and marketing standards, the fees and enforcement provisions of the Fruit and Vegetable Standards Act are unnecessary.

SIGNIFICANT ISSUES

According to the NMDA, the Fruit and Vegetable Standards Act was enacted in 1949 to regulate grading standards of and promote marketing of the New Mexico fruit industry. In 1963, the Produce Marketing Act was enacted for the purpose of promoting the produce industry and establishing standards for quality, marketing, licensing and other functions. The NMDA has stated that it uses its broad authority under the Produce Marketing Act to perform functions also authorized under the more narrowly-tailored and outdated Fruit and Vegetable Standards Act.

PERFORMANCE IMPLICATIONS

The NMDA will continue to use its broad authority under the Produce Marketing Act to inspect fruits and vegetables instead of the earlier act.

THT/svb:bm