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HOUSE BILL 305

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Candie G. Sweetser

AN ACT

RELATING TO AGRICULTURE; AUTHORIZING INSPECTIONS FOR COMPLIANCE
WITH FOOD SAFETY LAWS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 76-1-2 NMSA 1978 (being Laws 1974,
Chapter 35, Section 2, as amended) is amended to read:

"76-1-2. POWERS AND AUTHORITY OF BOARD OF REGENTS.--In
addition to all other powers and authority that the board of
regents of New Mexico state university may have in other areas,
the board of regents of New Mexico state university, relative
to the New Mexico department of agriculture, has power and
authority to:

A. administer and enforce all laws of this state
over which the board of regents or its agents have been granted
jurisdiction and authority;

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1 B. adopt rules of procedure for the adoption of
2 regulations;

3 C. adopt, and file in accordance with the State
4 Rules Act, regulations as may be necessary to carry out its
5 duties;

6 D. administer or enforce, through the New Mexico
7 department of agriculture, all regulations adopted by the board
8 of regents;

9 E. cooperate and enter into contracts or agreements
10 with local, state and federal government agencies or with any
11 other person to assist the carrying out of the duties of the
12 New Mexico department of agriculture;

13 F. employ and fix the salaries of employees of the
14 New Mexico department of agriculture;

15 G. institute legal proceedings in any court of this
16 state, of any other state or of the United States;

17 H. certify to the appropriate district attorney or
18 to the attorney general of New Mexico any violation of the
19 provisions of law or any rules and regulations administered and
20 enforced by it, when necessary to carry out its duties;

21 I. accept and administer on behalf of the New
22 Mexico department of agriculture such grants, subsidies,
23 donations, allotments or bequests as may be offered to the
24 state by the federal government or any department thereof or by
25 any public or private foundation or individuals;

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1 J. accept and administer funds or other assets for
2 the New Mexico department of agriculture;

3 K. make and perform or direct the performance of
4 such inspections and analyses as are necessary to carry out its
5 duties;

6 L. issue or direct the issuance of such licenses,
7 permits and other documents as are necessary to carry out its
8 duties;

9 M. authorize the New Mexico department of
10 agriculture to establish and publish a schedule of fees and
11 collect those fees to recover the cost of services performed at
12 the request of a person or firm. Fees imposed shall be just
13 and equitable and shall not exceed the department's cost for
14 performing the service; ~~and~~

15 N. authorize the New Mexico department of
16 agriculture to enter onto public or private property to collect
17 physical or documentary samples and to review records and
18 documents to verify compliance with the federal FDA Food Safety
19 Modernization Act; and

20 ~~[N.]~~ O. do all other things necessary as permitted
21 by statute to carry out its duties."