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FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/13

SPONSOR Cervantes LAST UPDATED _____ HB _____

SHORT TITLE Plant Protection Act Changes SB 184

ANALYST Roberts

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Agriculture (NMDA)

Higher Education Department (HED)

SUMMARY

Synopsis of Bill

Senate Bill 184 amends The Plant Protection Act (Laws 1959, Chapter 195, Sections 76-5-11 through 76-5-28) by adding authority to inspect relevant documents associated with nursery stock, clarification on disposition of plant-pest infested nursery stock, removal of the requirement for department staff to inspect all nurseries annually, clarification on the attachment of specific certification statements to nursery stock, update outdated technical references and terms, and removal of a section requiring the attachment of inspection certificates to nursery stock imported from out-of-state.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

The New Mexico Department of Agriculture (NMDA) reports that changes in plant-nursery industry (i.e. new plant pest threats, changes in other state regulations, growth of 'box-stores' and their plant-nurseries, development of out-of-state industrial wholesale nurseries, state agency

staffing limitations) contribute to the proposed changes to the Plant Protection Act. New plant-pest quarantines and increased risk of importing new plant pests both contribute to the need to verify nursery stock origins and their pesticide treatment history to ensure compliance with state and federal quarantines.

Providing the NMDA authority to inspect nursery-stock associated documents enhances the protection of New Mexico’s plant-based ecosystems and industries. Language was required to provide department staff authority to work with industry on decisions related to the destruction of or treatment of nursery stock to ensure containment of potentially damaging plant pests.

The NMDA cites that staffing limitations combined with increasing and changing industry requirements contribute to the need for additional flexibility by staff to continue to conduct routine nursery inspections and to work with industry on their specific requirements. The removal of the “all” requirement in the statute allows for the department to be more industry responsive and less quantitatively driven by statute requirements. Strict enforcement of the current section related to the attachment of inspection certificates to import nursery stock will be burdensome to industry and difficult to enforce. Removal of this requirement is recommended by the industry and department.

The Plant Protection statute is currently administered by the NMDA.

PERFORMANCE IMPLICATIONS

The NMDA cites that because of the department’s current staffing limitations and changing industry requirements, passage of the bill will allow for the NMDA to better address the immediate needs of the state’s plant nursery industry and better protect the state’s natural resources from establishment of new plant pests.

ADMINISTRATIVE IMPLICATIONS

The NMDA will be responsible for administering the plant protection act.

OTHER SUBSTANTIVE ISSUES

The plant protection act was enacted into New Mexico state law in 1959 for the purpose of providing for the inspection, regulation, licensing, fees and penalties regarding the sale of plants and plant parts (Sections 76-5-11 through 76-5-28, NMSA 1978).

MR/svb