

1 SENATE BILL 143

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Pat Woods and Pat Boone and Rex Wilson and George K. Muñoz

10 AN ACT

11 RELATING TO AGRICULTURE; UPDATING FEES FOR CERTAIN NEW MEXICO  
12 DEPARTMENT OF AGRICULTURE REGULATORY DUTIES.

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

15 SECTION 1. Section 25-6-9 NMSA 1978 (being Laws 1963,  
16 Chapter 138, Section 9, as amended) is amended to read:

17 "25-6-9. EGG INSPECTION FEE.--The Egg Grading Act shall  
18 be financed in part by the collection of a fee on all eggs sold  
19 to the retailer or consumer. The board ~~shall have~~ has  
20 authority to establish the fee at ~~[their]~~ its discretion, but  
21 ~~[in no case shall]~~ the fee shall not exceed ~~[one-half cent per~~  
22 ~~dozen]~~ twenty cents (\$.20) per case. The fee shall be paid by  
23 the egg dealer or producer who packages the eggs for sale to  
24 the retailer or consumer. All money collected under the  
25 provisions of the Egg Grading Act shall be deposited with ~~[the]~~

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1 New Mexico state university for the purposes of administering  
2 the provisions of that act and promoting the poultry industry  
3 and its products and shall be expended upon the order of the  
4 board in the same manner as other funds of [the] New Mexico  
5 state university."

6 SECTION 2. Section 25-6-12 NMSA 1978 (being Laws 1963,  
7 Chapter 138, Section 12, as amended) is amended to read:

8 "25-6-12. CERTIFICATION OF DEALERS.--

9 A. A small dealer's license is required of any  
10 person [firm or corporation who] that buys, sells or traffics  
11 in more than five cases and less than two hundred cases of eggs  
12 in any one week.

13 B. A [medium-sized] medium dealer's license is  
14 required of any person [firm or corporation who] that buys,  
15 sells or traffics in [ever] more than two hundred cases and  
16 [less] fewer than four hundred cases of eggs in any one week.

17 C. A large dealer's license is required of any  
18 person [firm or corporation who] that buys, sells or traffics  
19 in [ever] more than four hundred cases of eggs in any one week.

20 D. The annual license fees for each type of dealer  
21 are:

- 22 (1) small dealer.....[\$10.00] \$20.00  
23 (2) medium dealer.....[\$25.00] \$50.00  
24 (3) large dealer.....[\$50.00] \$100.

25 E. For the purpose of this section, a "case" [shall

1       consist] consists of thirty dozen eggs.

2               F. All licenses shall be conspicuously posted in  
3       the place of business to which they apply. The license is  
4       subject to revocation by the inspectors for cause. [All  
5       licenses issued prior to the effective date of the Egg Grading  
6       Act shall expire when the act becomes effective and thereafter]  
7       All licenses are renewable annually on July 1 [of each year]  
8       and shall expire on June 30 of the succeeding year."

9               SECTION 3. Section 76-4-22 NMSA 1978 (being Laws 1973,  
10       Chapter 366, Section 22, as amended) is amended to read:

11       "76-4-22. FEES.--

12               A. Fees for the registration of pesticides, the  
13       various licenses, inspection of apparatuses and examination of  
14       applicants required by the Pesticide Control Act shall be set  
15       by the board not to exceed the amount authorized below:

16               (1) annual registration fee for each pesticide  
17       or device registered, not more than . . . . . [\$150] \$200;

18               (2) annual pesticide dealer license for each  
19       location or outlet within the state or, if there is no outlet  
20       in the state, for the principal out-of-state location or  
21       outlet, not more than . . . . . . . . . . . [\$100] \$150;

22               (3) annual pest management consultant license,  
23       not more than . . . . . . . . . . . . . . . . . [\$100] \$150;

24               (4) annual commercial pesticide applicator  
25       license, not more than. . . . . . . . . . . . . . . . . [\$100] \$150;

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(6) annual noncommercial applicator license, not more than . . . . . [\$100] \$150;

and

B. If the application for the renewal of a pesticide registration or any annual license provided for in the Pesticide Control Act is not filed prior to the expiration date of the prior registration or license, the fee for renewal of registration or license shall be double the amount [specified in this section] charged for the prior registration or license and shall be paid by the applicant before the renewal registration or license is issued. Any person holding a current valid license may renew the license for the next year without taking an examination unless the department determines

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1 that additional knowledge relating to the classification for  
2 which the applicant has applied makes a new examination  
3 necessary. However, if the license is not renewed within  
4 thirty days after expiration, the licensee shall be required to  
5 take new certification examinations."

6 SECTION 4. Section 76-5-26 NMSA 1978 (being Laws 1973,  
7 Chapter 97, Section 15, as amended) is amended to read:

8 "76-5-26. FEES.--

9                   A. Fees paid for the licenses, certificates and  
10 permits required under the Plant Protection Act shall be set by  
11 [regulation] rule of the board but shall not exceed the  
12 following amounts, except as provided in this subsection:

13                   (1) annual inspection fee of nursery and  
14 nursery stock, ~~[seventy-five dollars (\$75.00) plus two dollars~~  
15 ~~(\$2.00)]~~ one hundred dollars (\$100) plus three dollars (\$3.00)  
16 per acre of nursery stock inspected;

17                   (2) annual special inspection fee for person  
18 growing only vegetable plants, ~~[twenty-five dollars (\$25.00)]~~  
19 thirty-five dollars (\$35.00);

20                   (3) annual nursery or florist dealer's,  
21 landscaper's or agent's license fee, ~~[seventy-five dollars~~  
22 ~~(\$75.00)]~~ one hundred dollars (\$100);

23                   (4) annual special dealer's license for  
24 persons who handle only vegetable or cactus plants, ~~[twenty-~~  
25 ~~five dollars (\$25.00)]~~ thirty-five dollars (\$35.00); and

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(5) annual fee for collected plants permit,  
[seventy-five dollars (\$75.00)] one hundred dollars (\$100).

B. If the application for renewal of any annual license, permit or certificate provided for in the Plant Protection Act is not filed prior to the expiration of the prior license, permit or certificate, the fee for such license, permit or certificate shall be double the amount specified in this section. However, this double fee shall not apply if the applicant has not engaged in business subsequent to the expiration of [his] the prior license, permit or certificate and furnishes an affidavit certifying to that fact.

C. The board may adopt ~~regulations~~ rules to exempt a person from the payment of fees."

SECTION 5. Section 76-11-4 NMSA 1978 (being Laws 1963, Chapter 184, Section 4, as amended) is amended to read:

"76-11-4. FERTILIZER REGISTRATION.--

A. Each brand and grade of fertilizer and each soil conditioner product shall be registered before being distributed in the state. The application for registration shall be submitted to the department on a form furnished by the department and shall be accompanied by a fee of [five dollars (\$5.00)] fifty dollars (\$50.00) per brand or grade. [except that those brands or grades sold in packages of five pounds or less shall be registered at a fee of fifteen dollars (\$15.00) each] Upon approval by the department, a copy of the

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1 registration shall be furnished to the applicant. All  
2 registrations expire on December 31 of each year.

3                   B. A distributor shall not be required to register  
4 a brand of fertilizer or soil conditioner that is already  
5 registered under the New Mexico Fertilizer Act by another  
6 person.

7                   C. A distributor shall not be required to register  
8 a fertilizer formulated according to specifications that are  
9 furnished by a consumer prior to mixing but shall be required  
10 to label the fertilizer as provided in Subsection C of Section  
11 76-11-5 NMSA 1978."

12                  SECTION 6. Section 76-11-6 NMSA 1978 (being Laws 1963,  
13 Chapter 184, Section 6, as amended) is amended to read:

14                  "76-11-6. FERTILIZER INSPECTION FEES.--

15                  A. There shall be paid to the department for all  
16 fertilizer and soil conditioner distributed in the state in  
17 packages exceeding five pounds an inspection fee set by the  
18 board at a rate not to exceed [~~thirty-five cents (\$.35) a ton;~~  
19 ~~provided that sales to manufacturers or exchanges between them~~  
20 ~~are exempted]~~ ninety cents (\$.90) a ton, but not less than five  
21 dollars (\$5.00) per reporting period. For each brand of  
22 fertilizer or soil conditioner distributed in individual  
23 packages of five pounds or less, a distributor shall pay an  
24 annual inspection fee not to exceed ten dollars (\$10.00) and  
25 shall not pay the tonnage fee on such packages of the brand so

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1       registered. Fees so collected shall be used for the payment of  
2       the costs of inspection, sampling and analysis and other  
3       expenses necessary for the administration of the New Mexico  
4       Fertilizer Act.

5               [B. On individual packages of fertilizer or soil  
6       conditioner containing five pounds or less, there shall be paid  
7       in lieu of the annual registration fee of five dollars (\$5.00)  
8       per brand and grade of fertilizer and each soil conditioner  
9       product and the required inspection fee an annual registration  
10      fee and inspection fee of fifteen dollars (\$15.00). Where a  
11      person sells fertilizer or soil conditioner in packages of five  
12      pounds or less and in packages over five pounds, the annual  
13      registration and inspection fee of fifteen dollars (\$15.00)  
14      applies only to that portion sold in packages of five pounds or  
15      less, and that portion sold in packages over five pounds is  
16      subject to the inspection fee.

17               C.] B. A person who distributes a fertilizer or  
18       soil conditioner in the state shall file with the department on  
19       forms furnished by the department a quarterly statement for the  
20       periods ending March 31, June 30, September 30 and December 31  
21       setting forth the number of net tons of each fertilizer or soil  
22       conditioner distributed in the state during the quarter. The  
23       report is due on or before the last day of the month following  
24       the close of each quarter. The inspection fee shall be paid at  
25       the time of filing of the statement. If the tonnage report is

1 not filed and the payment of inspection fee is not made within  
2 thirty days after the end of the quarter, a collection fee  
3 amounting to ten percent, but not less than ten dollars  
4 (\$10.00), of the amount shall be assessed against the  
5 registrant, and the amount of fees due constitutes a debt and  
6 becomes the basis of a judgment against the registrant.

7 [D.] C. When more than one person is involved in  
8 the distribution of fertilizer or soil conditioner, the first  
9 person who has the fertilizer or soil conditioner registered  
10 and who distributes to a nonregistrant dealer or consumer is  
11 responsible for reporting the tonnage and paying the inspection  
12 fee unless the report and payment have been previously made by  
13 a prior distributor."

14 SECTION 7. Section 76-19A-12 NMSA 1978 (being Laws 2013,  
15 Chapter 23, Section 12) is amended to read:

16 "76-19A-12. INSPECTION FEES--REPORTS--CANCELLATION OF  
17 REGISTRATIONS.--

18 A. An inspection fee set by the board shall be paid  
19 to the board for all commercial feeds distributed in New  
20 Mexico. The fee shall not exceed [~~fifteen cents (\$.15)~~] forty-  
21 five cents (\$.45) per ton, but not less than five dollars  
22 (\$5.00) per reporting period, or, for each brand of commercial  
23 feed distributed in individual packages of ten pounds or less,  
24 a distributor shall pay an annual inspection fee not to exceed  
25 twenty-five dollars (\$25.00) and shall not pay the tonnage fee

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1 on such packages of the brand so registered.

2                   B. Fees collected shall not exceed the costs of  
3 inspection, sampling and analysis and other expenses necessary  
4 for the administration of the New Mexico Commercial Feed Act.  
5 Fees collected shall constitute a fund for the payment of the  
6 costs of inspection, sampling and analysis and other expenses  
7 necessary for the administration of that act.

8                   C. Except as otherwise provided in this section, a  
9 person who distributes commercial feed in New Mexico shall:

10                   (1) file, not later than the last day of  
11 January, April, July and October of each year, a quarterly  
12 statement setting forth the number of net tons of commercial  
13 feeds distributed in New Mexico during the preceding calendar  
14 quarter and, upon filing the statement, shall pay the  
15 inspection fee. When more than one person is involved in the  
16 distribution of commercial feed, the person who distributes to  
17 the consumer is responsible for reporting the tonnage and  
18 paying the inspection fee unless the report and payment have  
19 been made by a prior distributor of the feed; and

20                   (2) keep such records as may be necessary or  
21 required by the board to indicate accurately the tonnage of  
22 commercial feeds distributed in New Mexico, and the board may  
23 examine those records to verify statements of tonnage. If a  
24 quarterly report is not filed or if the inspection fee is not  
25 paid within the thirty-day period after the end of a quarter, a

penalty of twenty percent, or a sum of ten dollars (\$10.00), whichever is greater, ~~will~~ shall be due in addition to the inspection fees, and the inspection fees and the penalty shall constitute a debt for which suit may be brought by the board.

D. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply with the provisions of the New Mexico Commercial Feed Act shall constitute sufficient cause for the cancellation of all registrations on file for the distributor."

**SECTION 8. EFFECTIVE DATE.--**The effective date of the provisions of this act is July 1, 2026.

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