AN ACT

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

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

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

"25-6-9. EGG INSPECTION FEE.--The Egg Grading Act shall be financed in part by the collection of a fee on all eggs sold to the retailer or consumer. The fee on eggs being sold to the retailer or consumer shall be one-half cent ($.005) per dozen; provided that the board may index the amount of the fee for inflation until July 1, 2031 using the consumer price index for all urban consumers: all items published by the United States department of labor. The fee shall be paid by the egg dealer or producer who packages the eggs for sale to the retailer or consumer. All money collected under the provisions of the Egg Grading Act shall be deposited with New Mexico state university for the purposes of administering the provisions of that act and promoting the poultry industry and its products and shall be expended upon the order of the board in the same manner as other funds of New Mexico state university."

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

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

A. A small dealer's license is required of any person that buys, sells or traffics in more than five cases and less than two hundred cases of eggs in any one week.

B. A medium dealer's license is required of any person that buys, sells or traffics in more than two hundred cases and fewer than four hundred cases of eggs in any one week.

C. A large dealer's license is required of any person that buys, sells or traffics in more than four hundred cases of eggs in any one week.

D. The annual license fee for each type of dealer is:

(1) small dealer.....$10.00

(2) medium dealer.....$25.00

(3) large dealer.....$50.00;

provided that the board may index the amount of a fee for inflation until July 1, 2031 using the consumer price index for all urban consumers: all items published by the United States department of labor.

E. For the purpose of this section, a "case" consists of thirty dozen eggs.

F. All licenses shall be conspicuously posted in the place of business to which they apply. The license is subject to revocation by the inspectors for cause. All

licenses are renewable annually on July 1 and shall expire on June 30 of the succeeding year."

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

"76-4-22. FEES.--

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

(1) annual registration fee for each pesticide or device registered, not more than $150;

(2) annual pesticide dealer license for each location or outlet within the state or, if there is no outlet in the state, for the principal out-of-state location or outlet, not more than $100;

(3) annual pest management consultant license, not more than. $100;

(4) annual commercial pesticide applicator license, not more than. $100;

(5) annual operator license, not more than $75.00;

(6) annual noncommercial applicator license, not more than $100;

(7) private applicator certification or renewal, not more than. $25.00;

(8) additional inspection required to certify each unit of aircraft, ground or manual equipment that fails to pass inspection, not more than. . . . . $25.00; and

(9) examination fee for each examination needed to qualify the applicant as a pest management consultant, commercial pesticide applicator, noncommercial applicator or operator or any combination thereof, not more than. . . . . $20.00; provided that the board may index the amount of a fee for inflation until July 1, 2031 using the consumer price index for all urban consumers: all items published by the United States department of labor.

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 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 that additional knowledge relating to the classification for which the applicant has applied makes a

new examination necessary. However, if the license is not renewed within thirty days after expiration, the licensee shall be required to take new certification examinations."

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

"76-5-26. FEES.--

A. Fees paid for the licenses, certificates and permits required under the Plant Protection Act shall be set by rule of the board in the following amounts:

(1) annual inspection fee of nursery and nursery stock, seventy-five dollars ($75.00) plus two dollars ($2.00) per acre of nursery stock inspected;

(2) annual special inspection fee for person growing only vegetable plants, twenty-five dollars ($25.00);

(3) annual nursery or florist dealer's, landscaper's or agent's license fee, seventy-five dollars ($75.00);

(4) annual special dealer's license for persons who handle only vegetable or cactus plants, twenty-five dollars ($25.00); and

(5) annual fee for collected plants permit, seventy-five dollars ($75.00).

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 the prior license, permit or certificate and furnishes an affidavit certifying to that fact.

C. The board may index the amount of a fee for inflation until July 1, 2031 using the consumer price index, all urban consumers: all items published by the United States department of labor. The board may adopt 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 fifty dollars ($50.00) per brand or grade. The board may index the amount of the fee for inflation until July 1, 2031 using the consumer price index, all urban consumers: all items published by the United States department of labor. Upon approval by the department, a copy of the registration shall

be furnished to the applicant. All registrations expire on December 31 of each year.

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

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

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

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

A. There shall be paid to the department for all fertilizer and soil conditioner distributed in the state in packages exceeding five pounds an inspection fee set by the board at a rate thirty-five cents ($.35) a ton; provided that sales to manufacturers or exchanges between them are exempted, but not less than five dollars ($5.00) per reporting period. For each brand of fertilizer or soil conditioner distributed in individual packages of five pounds or less, a distributor shall pay an annual inspection fee of ten dollars ($10.00) and shall not pay the tonnage fee on such packages of the brand so registered. The board may

index the amount of a fee for inflation until July 1, 2031 using the consumer price index, all urban consumers: all items published by the United States department of labor. Fees so collected shall be used for the payment of the costs of inspection, sampling and analysis and other expenses necessary for the administration of the New Mexico Fertilizer Act.

B. A person who distributes a fertilizer or soil conditioner in the state shall file with the department on forms furnished by the department a quarterly statement for the periods ending March 31, June 30, September 30 and December 31 setting forth the number of net tons of each fertilizer or soil conditioner distributed in the state during the quarter. The report is due on or before the last day of the month following the close of each quarter. The inspection fee shall be paid at the time of filing of the statement. If the tonnage report is not filed and the payment of inspection fee is not made within thirty days after the end of the quarter, a collection fee amounting to ten percent, but not less than ten dollars ($10.00), of the amount shall be assessed against the registrant, and the amount of fees due constitutes a debt and becomes the basis of a judgment against the registrant.

C. When more than one person is involved in the distribution of fertilizer or soil conditioner, the first

person who has the fertilizer or soil conditioner registered and who distributes to a nonregistrant dealer or consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and payment have been previously made by a prior distributor."

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

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

A. An inspection fee set by the board shall be paid to the board for all commercial feeds distributed in New Mexico. The fee shall be twenty-five cents ($.25) per ton, but not less than five dollars ($5.00) per reporting period, or, for each brand of commercial feed distributed in individual packages of ten pounds or less, a distributor shall pay an annual inspection fee of twenty-five dollars ($25.00) and shall not pay the tonnage fee on such packages of the brand so registered.

B. The board may index the amount of a fee for inflation until July 1, 2031 using the consumer price index, all urban consumers: all items published by the United States department of labor. Fees collected shall constitute a fund for the payment of the costs of inspection, sampling and analysis and other expenses necessary for the administration of that act.

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

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

(2) keep such records as may be necessary or required by the board to indicate accurately the tonnage of commercial feeds distributed in New Mexico, and the board may examine those records to verify statements of tonnage. If a quarterly report is not filed or if the inspection fee is not 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, 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.