

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 1 AGRICULTURE AND RANCHING GENERAL PROVISIONS
PART 2 FEES FOR DOCUMENTS AND SERVICES

21.1.2.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[7/1/97; 21.1.2.1 NMAC - Rn & A, 21 NMAC 1.2.1, 05/29/09]
[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

21.1.2.2 SCOPE: Part 2 shall apply to all persons requesting special documents, or special services from the New Mexico department of agriculture, division of agricultural and environmental services or one of the division's sections.
[7/1/97; 21.1.2.2 NMAC - Rn, 21 NMAC 1.2.2, 05/29/09; A, 01/29/10]

21.1.2.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the Agriculture Law, Chapter 76, Article 1, Section 2, paragraph M, NMSA 1978.
[7/1/97; 21.1.2.3 NMAC - Rn, 21 NMAC 1.2.3, 05/29/09]

21.1.2.4 DURATION: Permanent.
[7/1/97; 21.1.2.4 NMAC - Rn, 21 NMAC 1.2.4, 05/29/09]

21.1.2.5 EFFECTIVE DATE: July 1, 1997
[7/1/97; 21.1.2.5 NMAC - Rn, 21 NMAC 1.2.5, 05/29/09]

21.1.2.6 OBJECTIVE: The objective of Part 2 of Chapter 1 is to establish fees for [requested lists and] services plus certain documents issued by the New Mexico department of agriculture, division of agricultural and environmental services.
[7/1/97; 21.1.2.6 NMAC - Rn, 21 NMAC 1.2.6, 05/29/09; A, 01/29/10]

21.1.2.7 DEFINITIONS:
A. "Division" means the division of agricultural and environmental services and its sections within the New Mexico department of agriculture.
B. "Request for service" means any written or oral request by any public or private entity for services, or documents not routinely provided by the division as part of its official regulatory responsibilities or determined to be for the personal or commercial benefit of the person making the request.
[7/1/97; 21.1.2.7 NMAC - Rn, 21 NMAC 1.2.7, 05/29/09; A, 01/29/10]

21.1.2.8 DETERMINATION OF SPECIAL REQUEST: The director of the division is authorized to determine the circumstances under which fees are to be charged to recover the cost of a request for service.
[7/1/97; 21.1.2.8 NMAC - Rn, 21 NMAC 1.2.8, 05/29/09]

21.1.2.9 FEE SCHEDULE:
A. All fees for documents, or services rendered are due and payable at the time they are ordered or when billing is received, as appropriate. Failure to pay for either documents or services shall result in withholding all further services by the division until outstanding amounts are paid in full by cashier's check or money order.
B. Per diem at standard rates, hourly wages, and mileage charges may be assessed in addition to fees charged for documents when the use of New Mexico department of agriculture personnel is required to inspect or draw samples of a particular agricultural commodity for laboratory analysis as a prerequisite to preparation of the documents. Per diem, wage, and mileage charges may be portal to portal- the time and distance traveled to perform the service and return. In addition, per diem at standard rates or other expenses for materials or shipping incurred as a result of providing special inspections or commodity sampling may be charged when applicable. These other expenses will be charged at actual cost.
C. The following fees shall apply:
(1) Certificates of inspection - \$5 per certificate.
(2) Federal phytosanitary certificate - not to exceed federal charges (certificate only; inspection and laboratory fees may be charged in addition to fees charged for certificates).

- (3) State phytosanitary certificates and state certificates of origin - \$15 per certificate (either fully or partially completed by New Mexico department of agriculture staff).
- (4) Faxing of either state or federal certificates prepared by New Mexico department of agriculture to any destination requested by the shipper or consignee - \$5 per page.
- (5) Special local need 24(c) registrations - \$35 each.
- (6) Section 18 exemption from federal registration, preparation and submission - \$350 each.
- (7) Laboratory analysis:
 - (a) pesticide formulation - \$150 per active ingredient.
 - (b) tank mix samples - \$150 per active ingredient.
 - (c) residue samples - \$300 per active ingredient.

D. For request for service not specifically covered by this rule, the division may charge a fee not to exceed the cost of providing the service as determined by the division director.
[7/1/97; 21.1.2.9 NMAC - Rn, 21 NMAC 1.2.9, 05/29/09; A, 01/29/10]

21.1.2.10 WAIVER OF FEES: The division director may waive any or all fees if in the division director's opinion the public interest would be served by exempting the party from the fee, or the fee is incidental to the cost of providing the service.
[7/1/97; 21.1.2.10 NMAC - Rn, 21 NMAC 1.2.10, 05/29/09; A, 01/29/10]

HISTORY OF 21.1.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:
NMDA Rule No. 92-6, Fees for Lists, Certificates, and Services - Division of Agricultural and Environmental Services, filed 12/29/92.

History of Repealed Material: [RESERVED]