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HOUSE BILL 341

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

WILLIAM E. PORTER

AN ACT

RELATING TO AGRICULTURE; PROVIDING FOR NOXIOUS WEED MANAGEMENT;  
IMPOSING POWERS AND DUTIES; REPEALING SECTIONS OF THE NMSA 1978;  
MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the  
"Noxious Weed Management Act".

Section 2. FINDINGS AND PURPOSE. --

A. The legislature finds that noxious weeds have  
caused extensive economic damage in New Mexico. Specifically,  
the presence and spread of noxious weeds:

(1) decrease land values and productivity,  
forces out nutritious forage for livestock and often causes the  
death of livestock and crops;

(2) harm the environment by crowding out native

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1 and endangered species, increasing fire danger and increasing  
2 water usage; and

3 (3) increase government and industrial costs by  
4 increasing highway cleanup costs, decreasing the lease value of  
5 state and federal public lands and curtailing the hunting,  
6 fishing and recreational use of the land.

7 B. Therefore, it is the purpose of the Noxious Weed  
8 Management Act to improve the state economy and environment by  
9 managing, controlling and eradicating noxious weeds in New  
10 Mexico.

11 Section 3. DEFINITIONS. -- As used in the Noxious Weed  
12 Management Act:

13 A. "advisory committee" means the noxious weed  
14 management advisory committee;

15 B. "director" means the director of the New Mexico  
16 department of agriculture;

17 C. "landowner" means a person other than a  
18 governmental entity who holds title to real property, is the  
19 holder of a right-of-way easement or is a designated land  
20 manager;

21 D. "noxious weed" means a plant species that is not  
22 indigenous to New Mexico and that has been targeted pursuant to  
23 the Noxious Weed Management Act for management or control  
24 because of its negative impact on the economy;

25 E. "person" means an individual or any legal entity;

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1 and

2 F. "public land" means land controlled or supervised  
3 by an agency of government.

4 Section 4. DUTIES OF DIRECTOR--NOXIOUS WEED MANAGEMENT  
5 ADVISORY COMMITTEE--NOXIOUS WEED MANAGEMENT PROGRAM --

6 A. The director shall appoint a noxious weed  
7 management advisory committee consisting of representatives of  
8 state and federal government entities, landowners and the  
9 public.

10 B. The director, after consultation with the  
11 advisory committee, shall develop an integrated noxious weed  
12 management program. To carry out such a program, the director,  
13 after conferring with the advisory committee, shall:

14 (1) select the species of weeds to be targeted  
15 as noxious weeds for control or eradication pursuant to the  
16 Noxious Weed Management Act;

17 (2) determine the methods to be used to  
18 control noxious weeds; and

19 (3) develop publications to educate the public  
20 on the problem of noxious weeds, appropriate preventive or  
21 control measures and any other matters germane to noxious weed  
22 management and control.

23 C. The director may use and cooperate with any  
24 existing noxious weed control program that is available and  
25 appropriate for the purposes of the Noxious Weed Management Act.

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1                   D. The advisory committee members shall serve  
2 without compensation.

3                   Section 5. ADMINISTRATION OF PROGRAM --The director shall  
4 administer the provisions of the Noxious Weed Management Act  
5 subject to the directives, policies and regulations of the board  
6 of regents of New Mexico state university.

7                   Section 6. LANDOWNERS-- RIGHTS-- AGREEMENTS. --

8                   A. If the director or his designee becomes aware of  
9 the presence of noxious weeds on nonpublic land, the director  
10 shall notify the landowner of the noxious weeds and the methods  
11 for controlling them. However, nothing in the Noxious Weed  
12 Management Act shall be construed to permit the director or his  
13 designee to enter nonpublic land except at the invitation of the  
14 landowner.

15                   B. Upon the request of a landowner, the director  
16 shall develop a noxious weed control or eradication program  
17 suited to the landowner's needs.

18                   C. Whenever the director becomes aware of the  
19 presence of noxious weeds on public land, he shall inform the  
20 governmental entity of the species found on land under the  
21 entity's jurisdiction. When possible and practicable, the  
22 director shall consult with the governmental entity in  
23 developing a management plan for the control or eradication of  
24 the noxious weeds.

25                   D. The director may develop and implement

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1 cooperative agreements with appropriate federal agencies, the  
2 commissioner of public lands and Indian tribes and pueblos to  
3 carry out the provisions of the Noxious Weed Management Act.

4 Section 7. APPROPRIATION. -- Fifty thousand dollars  
5 (\$50,000) is appropriated from the general fund to the New  
6 Mexico department of agriculture for expenditure in fiscal year  
7 1997 to implement the provisions of the Noxious Weed Management  
8 Act. Any unexpended or unencumbered balance remaining at the  
9 end of fiscal year 1997 shall revert to the general fund.

10 Section 8. REPEAL. -- Sections 76-7-1 through 76-7-30 NMSA  
11 1978 (being Laws 1959, Chapter 243, Sections 1 through 22 and  
12 Laws 1963, Chapter 203, Sections 1 through 8) are repealed.