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SENATE BILL 230

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

John Arthur Smith

AN ACT

MAKING AN APPROPRIATION FOR A PHREATOPHYTE ERADICATION AND
CONTROL PROGRAM; DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. --

A. Five million dollars (\$5,000,000) is appropriated from the general fund to the board of regents of New Mexico state university for expenditure in fiscal years 2004 through 2006, with fifty percent of the expenditure to be devoted to a non-native phreatophyte eradication and control program and fifty percent of the expenditure to be devoted to revegetation of native species on the Canadian river, the Pecos river and the Rio Grande.

B. The appropriation provided in this section is contingent on soil and water conservation districts:

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- (1) developing management and native vegetation restoration plans;
- (2) conducting hearings within the local conservation districts to receive public input on the plans;
- (3) carrying out aerial spraying only by helicopter or ground application with prior public notice;
- (4) monitoring and evaluating the effects of control on wildlife, water quality, vegetation and soil health; and
- (5) if control affects threatened or endangered species, complying with applicable federal law and conforming to any duly enacted recovery plan.

C. The New Mexico department of agriculture shall conduct an assessment and publish a report detailing the amount of water conserved and the amount of money expended.

D. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.