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HOUSE BILL 349

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

JOE M STELL

AN ACT

RELATING TO AGRICULTURE; ENACTING THE NOXIOUS WEED MANAGEMENT ACT; 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) decreases land values and productivity, forces out nutritious forage for livestock and often causes the death of livestock and crops;

(2) harms the environment by crowding out

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

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

7 B. It is the purpose of the Noxious Weed  
8 Management Act to improve the state economy and environment by  
9 managing noxious weeds in New Mexico.

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

12 A. "director" means the director of the New Mexico  
13 department of agriculture;

14 B. "landowner" means a person who holds title to  
15 real property, is the holder of a right-of-way easement or is  
16 a designated land manager;

17 C. "noxious weed" means a plant species that is  
18 not indigenous to New Mexico and that has been targeted  
19 pursuant to the Noxious Weed Management Act for management or  
20 control because of its negative impact on the economy or the  
21 environment; and

22 D. "public land" means land controlled or  
23 supervised by an agency of government.

24 Section 4. DUTIES OF DIRECTOR-- NOXIOUS WEED MANAGEMENT  
25 PROGRAM --

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1           A. The director shall coordinate integrated  
2 noxious weed management programs. To carry out such programs,  
3 the director shall:

4                   (1) select the species of weeds to be  
5 targeted as noxious weeds for control or eradication pursuant  
6 to the Noxious Weed Management Act;

7                   (2) identify the methods to be used to  
8 control noxious weeds; and

9                   (3) develop publications to educate the  
10 public on the problem and prevention of noxious weeds.

11           B. The director may use and cooperate with any  
12 existing noxious weed control program that is available and  
13 appropriate for the purposes of the Noxious Weed Management  
14 Act.

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

19           Section 6. LANDOWNERS-- RIGHTS-- AGREEMENTS. --

20           A. If the director or his designee becomes aware  
21 of the presence of noxious weeds on nonpublic land, the  
22 director shall notify the landowner of the noxious weeds and  
23 the methods for controlling them. However, nothing in the  
24 Noxious Weed Management Act shall be construed to permit the  
25 director or his designee to enter nonpublic land except at the

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1 invitation of the landowner.

2 B. Upon the request of a landowner, the director  
3 shall develop a noxious weed control program in cooperation  
4 with the landowner.

5 C. Whenever the director becomes aware of the  
6 presence of noxious weeds on public land, he shall inform the  
7 governmental entity of the species found on land under the  
8 entity's jurisdiction. When possible and practicable, the  
9 director shall consult with the governmental entity in  
10 developing a management plan for the control of the noxious  
11 weeds.

12 D. The director may develop and implement  
13 cooperative agreements with appropriate federal and state  
14 agencies, the commissioner of public lands and Indian nations,  
15 tribes and pueblos to carry out the provisions of the Noxious  
16 Weed Management Act.

17 Section 7. APPROPRIATION. -- Eighty-five thousand dollars  
18 (\$85,000) is appropriated from the general fund to the New  
19 Mexico department of agriculture for expenditure in fiscal  
20 year 1999 to implement the provisions of the Noxious Weed  
21 Management Act. Any unexpended or unencumbered balance  
22 remaining at the end of fiscal year 1999 shall revert to the  
23 general fund.

24 Section 8. REPEAL. -- Sections 76-7-1 through 76-7-30 NMSA  
25 1978 (being Laws 1959, Chapter 243, Sections 1 through 22 and  
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Laws 1963, Chapter 203, Sections 1 through 8) are repealed.

Section 9. SEVERABILITY. --If any part or application of the Noxious Weed Management Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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5  
6 February 4, 1998

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9 Mr. Speaker:

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11 Your RULES AND ORDER OF BUSINESS COMMITTEE, to  
12 whom has been referred

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15 HOUSE BILL 349

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17 has had it under consideration and finds same to be GERMANE  
18 in accordance with constitutional provisions.

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21 Respectfully submitted,

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R. David Pederson, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Gubbels, Hobbs, Lujan, Rodella, Ryan, Sanchez

Absent: None

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 7, 1998

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8 Mr. Speaker:

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10 Your AGRICULTURE AND WATER RESOURCES COMMITTEE,  
11 to whom has been referred

12  
13 HOUSE BILL 349

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, amended as follows:

17 1. On page 1, line 12, strike "REPEALING SECTIONS OF THE  
18 NMSA 1978;".

19  
20 2. On page 4, strike all of lines 24 and 25 and on page  
21 5, strike line 1, and renumber the succeeding section. ,

22  
23 and thence referred to the APPROPRIATIONS AND FINANCE  
24 COMMITTEE.



1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3 HAGC\HB 349

Page 9

4 Respectfully submitted,  
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9 G. X. McSherry, Chairman  
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11 Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

12 (Chief Clerk)

(Chief Clerk)

13  
14 Date \_\_\_\_\_  
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16 The roll call vote was 7 For 0 Against

17 Yes: 7

18 Excused: Abeyta, Porter

19 Absent: None  
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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
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4 February 14, 1998  
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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
10 whom has been referred

11 HOUSE BILL 349, as amended  
12

13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, amended as follows:  
15

16 1. On page 1, lines 12 and 13 strike “; MAKING AN  
17 APPROPRIATION”.

18 2. On page 4, strike Section 7 in its entirety.  
19

20 3. Renumber the succeeding sections accordingly.  
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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3 Page 11

4 Respectfully submitted,  
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10 Max Coll, Chairman

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12 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

13  
14 (Chief Clerk)

(Chief Clerk)

15  
16 Date \_\_\_\_\_

17 The roll call vote was 12 For 2 Against

18 Yes: 12

19 No: Bird, Buffett

20 Excused: Heaton, Pearce, Picraux, Vigil

21 Absent: None  
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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

Page 12

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

February 17, 1998

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

HOUSE BILL 349, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

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Michael S. Sanchez, Chairman

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

Page 13

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Davis, Eisenstadt, Kysar, Payne

Absent: None

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