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HOUSE BILL 53

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

INTRODUCED BY

Andy Nunez

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

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 Pecos river and the Rio Grande, the expenditures to be divided equally between the two river basins.

B. The appropriation provided in this section is

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1 contingent on soil and water conservation districts:

2 (1) developing management and native
3 vegetation restoration plans;

4 (2) conducting hearings within the local
5 conservation districts to receive public input on the plans;

6 (3) carrying out aerial spraying only by
7 helicopter or ground application with prior public notice;

8 (4) monitoring and evaluating the effects of
9 control on wildlife, water quality, vegetation and soil health;
10 and

11 (5) if control affects threatened or
12 endangered species, complying with applicable federal law and
13 conforming to any duly enacted recovery plan.

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

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

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