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HOUSE BILL 884

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

WILLIAM E. PORTER

AN ACT

RELATING TO AGRICULTURE; PROVIDING FOR NOXIOUS WEED MANAGEMENT;
IMPOSING POWERS AND DUTIES; ENACTING 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 danger
2 and increasing water usage; and

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

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

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

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

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

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

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

24 E. "person" means an individual or other legal
25 entity, excluding a governmental entity; and

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

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

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

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

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

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

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

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

25 D. The advisory committee members shall serve

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1 without compensation.

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

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

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

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

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

24 D. The director may develop and implement
25 cooperative agreements with appropriate federal and state

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1 agencies, the commissioner of public lands and Indian tribes and
2 pueblos to carry out the provisions of the Noxious Weed
3 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 1998 to implement the provisions of the Noxious Weed Management
8 Act. Any unexpended or unencumbered balance remaining at the
9 end of fiscal year 1998 shall revert to the general fund.

10 Section 8. SEVERABILITY. -- If any part or application of
11 the Noxious Weed Management Act is held invalid, the remainder
12 or its application to other situations or persons shall not be
13 affected.

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 6, 1997

Mr. Speaker:

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

HOUSE BILL 884

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/HB 884

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Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 2 Against

Yes: 4

No: Dana, Johnson

Excused: Abeyta, Garnenez, Townsend

Absent: None

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