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HOUSE BILL 1232

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

INTRODUCED BY

G. X. MCSHERRY

AN ACT

RELATING TO AGRICULTURE; AMENDING AND ENACTING SECTIONS OF THE
COTTON BOLL WEEVIL CONTROL ACT TO PROVIDE FOR BOLL WEEVIL
CONTROL BY ORGANIC COTTON PRODUCERS.

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

Section 1. Section 76-6A-1 NMSA 1978 (being Laws 1996,
Chapter 77, Section 1) is amended to read:

"76-6A-1. SHORT TITLE. -- ~~[This act]~~ Chapter 76, Article 6A
NMSA 1978 may be cited as the "Cotton Boll Weevil Control Act"."

Section 2. Section 76-6A-3 NMSA 1978 (being Laws 1996,
Chapter 77, Section 3) is amended to read:

"76-6A-3. DEFINITIONS. -- As used in the Cotton Boll Weevil
Control Act:

A. "board" means the board of regents of New Mexico
state university;

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1 B. "cotton boll weevil" means any life stage of the
2 cotton insect *Anthonomus grandis* Boheman;

3 C. "cotton boll weevil control committee" means the
4 persons, not less than three nor more than seven, elected by a
5 majority of the cotton producers in a designated cotton boll
6 weevil control district;

7 D. "cotton boll weevil control district" means a
8 designated area duly established under the Cotton Boll Weevil
9 Control Act wherein a program to suppress or eradicate the
10 cotton boll weevil is administered;

11 E. "cotton producer" means any person growing five
12 or more acres of cotton plants. For the purposes of the Cotton
13 Boll Weevil Control Act, only one person from any farm, sole
14 proprietorship, corporation, partnership or any other legal
15 business arrangement shall be eligible to vote to establish or
16 dissolve a cotton boll weevil control district;

17 F. "department" means the New Mexico department of
18 agriculture; [~~and~~]

19 G. "director" means the director of the New Mexico
20 department of agriculture; and

21 H. "organic cotton producer" means any person
22 growing cotton who is certified by the organic commodity
23 commission as a producer of organic or transitional cotton "

24 Section 3. Section 76-6A-5 NMSA 1978 (being Laws 1996,
25 Chapter 77, Section 5) is amended to read:

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1 "76-6A-5. COTTON BOLL WEEVIL CONTROL COMMITTEE-- DUTIES AND
2 POWERS. --

3 A. ~~[The local]~~ A cotton boll weevil control committee
4 shall prescribe control measures for any cotton planted within a
5 cotton boll weevil control district. When prescribing control
6 measures, the cotton boll weevil control committee shall make
7 every effort to adhere to integrated pest management practices,
8 to allow organic cotton producers to choose organic pest
9 management practices that will allow them to maintain their
10 organic certification and to adhere to the management goals of
11 individual cotton producers consistent with the goal of complete
12 eradication of the cotton boll weevil.

13 B. ~~[The]~~ A cotton boll weevil control committee may
14 adopt regulations to set the method for determining the yield
15 per acre of cotton lands under the control of ~~[the]~~ a cotton
16 producer for purposes of calculating the assessment amount due. "

17 Section 4. Section 76-6A-8 NMSA 1978 (being Laws 1996,
18 Chapter 77, Section 8) is amended to read:

19 "76-6A-8. HEARINGS. -- Within sixty days after ~~[the]~~ a
20 petition has been filed with the director and upon payment of
21 the cost estimate, the director shall cause notices to be given
22 of the proposed hearings in areas of the state where the cotton
23 boll weevil is of economic importance. The notices of hearing
24 shall be published ~~[at least fourteen days prior to the date of~~
25 ~~hearing]~~ in a newspaper of general circulation in the proposed

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1 cotton boll weevil control district, and shall be sent directly
2 to the organic commodity commission, at least fourteen days
3 prior to the date of the hearing "

4 Section 5. Section 76-6A-11 NMSA 1978 (being Laws 1996,
5 Chapter 77, Section 11) is amended to read:

6 "76-6A-11. [~~LOCAL~~] COTTON BOLL WEEVIL CONTROL COMMITTEES--
7 ADDITIONAL DUTIES AND POWERS. --

8 A. [~~In the performance of this function, local~~]

9 Cotton boll weevil control committees may:

10 (1) conduct programs to suppress or eradicate
11 [~~designated~~] cotton boll weevils within their [~~local~~] cotton
12 boll weevil control [~~district~~] districts;

13 (2) cooperate in the administration of the
14 Cotton Boll Weevil Control Act through the use of state or
15 federal personnel and facilities or both;

16 (3) enter into contracts or cooperative
17 agreements with [~~other agencies, including federal~~] state,
18 federal or local agencies;

19 (4) publish information and conduct seminars on
20 the distribution and control of the cotton boll weevil; and

21 (5) levy and collect a special assessment,
22 based on cotton acreage or cotton yield per acre within the
23 cotton boll weevil control [~~district~~] districts.

24 B. [~~Local~~] Cotton boll weevil control committees
25 shall provide a complete accounting of the funds collected

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1 through the special assessment to all participating cotton
2 producers in the cotton boll weevil control ~~district~~
3 districts.

4 C. The cotton boll weevil control committee shall
5 send notice of the establishment of a cotton boll weevil control
6 district and its defined boundaries to the organic commodity
7 commission within fourteen days of its establishment."

8 Section 6. A new section of the Cotton Boll Weevil Control
9 Act is enacted to read:

10 "[NEW MATERIAL] ORGANIC COTTON REGULATIONS. --

11 A. Each organic cotton producer within an
12 established cotton boll weevil control district shall notify the
13 cotton boll weevil control committee in writing of the number of
14 acres on which the organic cotton producer intends to plant
15 organic cotton at least thirty days prior to planting.

16 B. The cotton boll weevil committee shall require
17 all organic producers to pay the assessment established for the
18 cotton boll weevil control district in the same manner as
19 producers of conventionally grown cotton in the cotton boll
20 weevil control district.

21 C. After crop planting, the cotton boll weevil
22 control committee shall notify an organic cotton producer as to
23 the boll weevil status of his cotton acres, as well as the boll
24 weevil status of surrounding acres, as documented by the
25 committee's normal boll weevil trapping program.

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D. The cotton boll weevil control committee shall confer with the organic cotton producer to determine measures that might be taken to attempt to keep all or a portion of the organic cotton producer's cotton acreage below trigger levels for required treatment. If the organic cotton producer chooses to use a nonconventional method, the cotton boll weevil control committee shall pay the costs of the nonconventional method used by the organic cotton producer. If boll weevil trigger levels are reached on the organic cotton producer's acres and boll weevil migration from outside these acres has been eliminated as a cause of these levels, then the organic cotton producer shall be allowed to harvest these acres, but shall not be allowed to grow cotton on the acreage for one year. If the organic cotton producer chooses to use conventional methods of treatment, the cotton boll weevil committee shall proceed accordingly. "

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 11, 1997

Mr. Speaker:

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

HOUSE BILL 1232

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

1. On page 5, line 7, strike the quotation mark.
2. On page 5, between lines 7 and 8, insert the following

new subsection:

"D. If the cotton boll weevil control district
includes certified organic acreage, the cotton boll weevil control

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/HB 1232

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2 committee shall select an organic farmer operating within the
3 district, who shall have all the powers of a committee member, to
4 serve on the cotton boll weevil control committee."

5 3. On page 6, line 8, after "producer" insert ", with this
6 payment not to exceed the amount of the assessment paid by the
7 organic cotton producer".

8
9 4. On page 6, line 8, after the period insert a quotation
10 mark, strike the remainder of the line and strike lines 9 through
11 15 in their entirety.,

12 and thence referred to the APPROPRIATIONS AND FINANCE
13 COMMITTEE.

14
15 Respectfully submitted,

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20 G. X. McSherry, Chairman
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/HB 1232

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Porter

Absent: None

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**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 1232, as amended

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

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 15 For 0 Against

Yes: 15

Excused: Bird, Salazar

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 16, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 1232

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

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 13 For 0 Against

Yes: 13

Excused: Marquardt, Picraux, Saavedra, Watchman

Absent: None

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Underscored material = new
[bracketed material] = delete