

AN ACT
RELATING TO AGRICULTURE; ENACTING THE NOXIOUS WEED MANAGEMENT
ACT.

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

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

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

Section 3. DEFINITIONS. -- As used in the Noxious Weed

Management Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Whenever the director becomes aware of the presence of noxious weeds on public land, he shall inform the governmental entity of the species found on land under the entity's jurisdiction. When possible and practicable, the director shall consult with the governmental entity in

developing a management plan for the control of the noxious weeds.

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

Section 7. 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.