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SENATE BILL 631

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

John Arthur Smith

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO AGRICULTURE; AMENDING AND ENACTING SECTIONS OF THE COTTON BOLL WEEVIL CONTROL ACT; PROVIDING FOR TERMINATION OF COTTON BOLL WEEVIL CONTROL COMMITTEES; PROVIDING ADDITIONAL POWERS; EXEMPTING COMMITTEES FROM THE PROCUREMENT CODE AND THE PERSONNEL ACT.

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

Section 1. Section 76-6A-10 NMSA 1978 (being Laws 1996, Chapter 77, Section 10) is amended to read:

"76-6A-10. REFERENDUM - COTTON BOLL WEEVIL CONTROL DISTRICTS - - [~~LOCAL~~] COTTON BOLL WEEVIL CONTROL COMMITTEES. - -

After public hearing, if the director decides there is justification for creating a cotton boll weevil control district, the department shall hold a referendum. When cotton producers who represent sixty-six percent of the cotton

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1 acreage within the area threatened with or infested by the
2 cotton boll weevil vote in favor of the establishment of a
3 cotton boll weevil control district, [~~such~~] a cotton boll
4 weevil control district shall be created. The cotton
5 producers within a cotton boll weevil control district shall
6 promptly establish, and shall elect not less than three nor
7 more than seven members to, a [~~local~~] cotton boll weevil
8 control committee. [~~The~~] Cotton boll weevil control
9 committee members shall not receive per diem or compensation
10 for their services. Cotton boll weevil control districts and
11 [local] cotton boll weevil control committees shall cease to
12 exist [six months after the successful eradication of the
13 agricultural cotton boll weevil, as determined by the
14 director, or at the end of five years from the date of their
15 creation, whichever is sooner. A petition to continue the
16 cotton boll weevil control district may be made to the
17 director six months prior to the scheduled date for
18 termination of the cotton boll weevil control district. After
19 a public hearing on the petition, the director may extend the
20 termination date of any cotton boll weevil control district
21 for a period not to exceed three years without a referendum]
22 when the cotton boll weevil control committee and the director
23 determine that all financial and legal obligations have been
24 satisfied. "

25 Section 2. Section 76-6A-11 NMSA 1978 (being Laws 1996,

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1 Chapter 77, Section 11, as amended) is amended to read:

2 "76-6A-11. COTTON BOLL WEEVIL CONTROL COMMITTEES--
3 ADDITIONAL DUTIES AND POWERS. --

4 A. Cotton boll weevil control committees may:

5 (1) conduct programs to suppress or eradicate
6 cotton boll weevils within their cotton boll weevil control
7 districts;

8 (2) cooperate in the administration of the
9 Cotton Boll Weevil Control Act through the use of state or
10 federal personnel and facilities or both;

11 (3) contract for services or enter into
12 cooperative agreements;

13 (4) publish information and conduct seminars
14 on the distribution and control of the cotton boll weevil;
15 [~~and~~]

16 (5) levy and collect a special assessment,
17 based on cotton acreage or cotton yield per acre within the
18 cotton boll weevil control districts; and

19 (6) borrow money or accept grants, donations
20 or contributions for any purpose consistent with the powers
21 and duties of the cotton boll weevil control committee.

22 B. Cotton boll weevil control committees shall
23 provide a complete accounting of the funds collected through
24 the special assessment to all participating cotton producers
25 in the cotton boll weevil control districts.

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

D. If the cotton boll weevil control district includes certified organic acreage, the cotton boll weevil control committee shall select an organic farmer operating within the district, who shall have all the powers of a committee member, to serve on the cotton boll weevil control committee. "

Section 3. A new section of the Cotton Boll Weevil Control Act is enacted to read:

"[NEW MATERIAL] EXEMPTION FROM PROCUREMENT CODE AND PERSONNEL ACT.--Cotton boll weevil control committees are exempt from the provisions of the Procurement Code and the Personnel Act. The committee members and committee employees are public employees for the purposes of the Tort Claims Act and shall be provided all insurance and self-insurance coverage provided by the risk management division of the general services department. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 23, 1999

6
7 Mr. President:

8
9 Your CONSERVATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 631

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 FINANCE COMMITTEE.
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18 Respectfully submitted,

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24 Arthur H. Rodarte, Vice-Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

4

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6 Date _____

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9 The roll call vote was 6 For 0 Against

10 Yes: 6

11 No: None

12 Excused: Eisenstadt, Griego, Vernon, Macias

13 Absent: None

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