Grasshopper and Other Range Pest Control Act

Provides for the establishment of control districts for grasshopper and other range pests, collection and disposition of assessments

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76-5-2 Short Title.

This act may be cited as the “Grasshopper and Other Range Pest Control Act.”

76-5-3 Purpose of act.

It has been determined that areas of New Mexico are endangered by grasshopper and other range pest infestation which would result in the loss of valuable pasturage. The division of plant pest control of the United States department of agriculture has funds available with which to match state moneys appropriated for grasshopper and other range pest control. It is therefore desirable to establish uniform methods of control to protect New Mexico pasturage.

76-5-4 Definition; transfer.

As used in the Grasshopper and Other Range Pest Control Act, “state grasshopper and other range pest control board,” “control board” or “board” means the New Mexico department of agriculture. All property, appropriations, money, powers and duties of the state grasshopper and other range pest control board are hereby transferred to the New Mexico department of agriculture. The department shall administer the act and may secure United States department of agriculture
contributions.

76-5-5 Duties and powers of the board.

It shall be the primary function of the board [New Mexico department of agriculture] to determine the critically infested grasshopper and other range pest areas within New Mexico and to formulate and carry out plans for the control of infestation. In the performance of its primary function, the board [department] shall:

A. cooperate with all agencies of the United States, which are interested in the control of grasshoppers and other range pests;

B. coordinate and utilize the available facilities and personnel of the New Mexico college of agriculture and mechanic arts [New Mexico state university] extension service;

C. hire such additional help and facilities as may be necessary to carry out the purpose of this act;

D. buy, rent, lease or otherwise provide and dispose of equipment, materials and supplies necessary to carry out the purpose of this act;

E. adopt rules and regulations consistent with the purpose of this act;

(1) the method and manner of rendering aid and assistance;

(2) the care, use and preservation of equipment, materials and supplies purchased by the board [New Mexico department of agriculture];

(3) the keeping of accounts and records of the [New Mexico department of agriculture]; activities: and

(4) a classification of all insects, including grasshoppers coming within in the meaning of the term “range pest.”.

F. supervise and allocate the expenditures from the “grasshopper and other range pest control fund”: provided, however, all vouchers representing payments from, the grasshopper and other range pest control fund shall be signed by the chairman of the grasshopper and other range pest control board [director of the [New Mexico department of agriculture], and

G. compromise, settle or pay just claims arising from negligent operations under the Grasshopper and Other Range Pest Control Act, and prescribe a procedure for the presentation and proof of claims.

76-5-6 Land users’ consent; control districts; local control committees,
Before expending or obligating moneys from the grasshopper and other range pest control fund, except for the payment of preliminary organizational costs the board [New Mexico department of agriculture] shall consult with the land users within the infested areas proposed to be treated. When fifty-one percent of the land users who represent eighty percent of the land within an infested area agree in writing to the extermination program proposed and further agree in writing to pay one-half of the sum expended by the state in the proposed extermination program for the infested area, a control district shall be created. The land users within a control district shall promptly establish, and shall elect three members to a local control committee. The members of the control committee shall, as nearly as possible, give equal area or geographical representation to the land users within a control district.

76-5-7 Alternative method when disaster area declared.

If the governor declares an area in New Mexico to be a disaster area because an area critical infested by range caterpillars or other range pests is endangering remaining areas of the state, the provisions of Sections 76-5-6 and 76-5-8 NMSA 1978 shall not apply.

76-5-8 Duties and powers of local control committees.

Local control committees shall:

A. cooperate with all federal and state agencies to facilitate the execution of the grasshopper and other range pest extermination program within, control districts;

B. levy and collect a special assessment, based on acreage sprayed or baited against the land users within a control district whose land; have benefited from the extermination program: the special assessment against each land user shall be the sum equal to the land user’s ratable share, as defined by proportional acreage treated of one-half the state moneys expended for the extermination program within the control district;

C. pay over to the state grasshopper and other range pest control board [New Mexico department of agriculture] moneys assessed and collected from land users within a control district; and

D. render a complete report to the state grasshopper and other range pest control board [department] after the completion of the extermination program in the control district.

76-5-9 Special land user’s assessment; enforced collection.

Payment of the special assessment levied by a local control committee against a land user shall be due and payable upon the land user’s receipt of an assessment statement from the committee. The committee’s statement shall indicate:
A. the total number of acres treated within the control district during the extermination program;

B. the total acres treated which are under the control of the land user assessed;

C. the total amount of state funds expended in the control district for the extermination program; and

D. the amount assessed against the land user. Assessments by local control committees shall be subject to the same delinquency period, discounts, penalties and interest as are applied to the collection of ad valorem taxes. The control committees shall refer a delinquent assessment to a district attorney in the county of the land user’s residence. It shall be the duty of the district attorney to sue and obtain judgment, and thereafter to enforce and satisfy the judgment so obtained.

76-5-10 Disposition of assessment proceeds.

The control board [New Mexico department of agriculture] shall remit assessment moneys received from local control committees to the state treasurer for the credit of the grasshopper and other range pest control fund; provided, however, the state range pest control board [department] shall credit moneys received from each local control committee to the account of the control district from which the money was received.