

## Article 7D Noxious Weed Management

### 76-7D-1. Short title.

This act [[76-7D-1](#) to [76-7D-6](#) NMSA 1978] may be cited as the "Noxious Weed Management Act".

**History:** Laws 1998, ch. [78](#), § [1](#).

**Effective dates.** — Laws 1998, ch. [78](#) contains no effective date provision, but, pursuant to N.M. Const., [art. IV](#), § [23](#), the Noxious Weed Management Act is effective on May 20, 1998, 90 days after adjournment of the legislature.

### 76-7D-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 [[76-7D-1](#) to [76-7D-6](#) NMSA 1978] to improve the state economy and environment by managing noxious weeds in New Mexico.

**History:** Laws 1998, ch. [78](#), § [2](#).

**Effective dates.** — Laws 1998, ch. [78](#) contains no effective date provision, but, pursuant to N.M. Const., [art. IV](#), § [23](#), the Noxious Weed Management Act is effective on May 20, 1998, 90 days after adjournment of the legislature.

### 76-7D-3. Definitions.

As used in the Noxious Weed Management Act [[76-7D-1](#) to [76-7D-6](#) NMSA 1978]:

- 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.

**History:** Laws 1998, ch. [78](#), § [3](#).

**Effective dates.** — Laws 1998, ch. [78](#) contains no effective date provision, but, pursuant to N.M. Const., [art. IV](#), § [23](#), the Noxious Weed Management Act is effective on May 20, 1998, 90 days after adjournment of the legislature.

#### **76-7D-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 [[76-7D-1](#) to [76-7D-6](#) NMSA 1978];
- (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.

**History:** Laws 1998, ch. [78](#), § [4](#).

**Effective dates.** — Laws 1998, ch. [78](#) contains no effective date provision, but, pursuant to N.M. Const., [art. IV](#), § [23](#), the Noxious Weed Management Act is effective on May 20, 1998, 90 days after adjournment of the legislature.

#### **76-7D-5. Administration of program.**

The director shall administer the provisions of the Noxious Weed Management Act [[76-7D-1](#) to [76-7D-6](#) NMSA 1978] subject to the directives, policies and regulations of the board of regents of New Mexico state university.

**History:** Laws 1998, ch. [78](#), § [5](#).

**Effective dates.** — Laws 1998, ch. [78](#) contains no effective date provision, but, pursuant to N.M. Const., [art. IV](#), § [23](#), the Noxious Weed Management Act is effective on May 20, 1998, 90 days after adjournment of the legislature.

#### **76-7D-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 [[76-7D-1](#) to [76-7D-6](#) NMSA 1978] 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.

**History:** Laws 1998, ch. [78](#), § [6](#).

**Effective dates.** — Laws 1998, ch. [78](#) contains no effective date provision, but, pursuant to N.M. Const., [art. IV](#), § [23](#), the Noxious Weed Management Act is effective on May 20, 1998, 90 days after adjournment of the legislature.

**Severability clauses.** — Laws 1998, ch. [78](#), § [7](#) provides for the severability of the act if any part or application thereof is held invalid.

---