

## Article 7 Noxious Weed Act of 1963

### 76-7-23. Short title.

This act [[76-7-23](#) to [76-7-30](#) NMSA 1978] may be cited as the "Noxious Weed Act of 1963."

**History:** 1953 Comp., § [45-10-24](#), enacted by Laws 1963, ch. [203](#), § [1](#).

### ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 3 C.J.S. Agriculture § 70.

### 76-7-24. Definitions.

As used in the Noxious Weed Act of 1963 [[76-7-23](#) to [76-7-30](#) NMSA 1978]:

- A. "board" means the board of regents of New Mexico state university;
- B. "noxious weed" means any species of plant which is liable to be detrimental or destructive, and difficult to control or eradicate;
- C. "seed" means any part of a noxious weed that will propagate; and
- D. "agent" means any person employed by the board to carry out the provisions of the Noxious Weed Act of 1963.

**History:** 1953 Comp., § [45-10-25](#), enacted by Laws 1963, ch. [203](#), § [2](#).

### 76-7-25. Administration and enforcement.

The Noxious Weed Act of 1963 [[76-7-23](#) to [76-7-30](#) NMSA 1978] shall be administered and enforced by the board through the state department of agriculture.

**History:** 1953 Comp., § [45-10-26](#), enacted by Laws 1963, ch. [203](#), § [3](#).

### ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 3 Am. Jur. 2d Agriculture §§ 21, 22.

3 C.J.S. Agriculture §§ 19, 20.

### 76-7-26. Inspections.

The board or its agent may inspect any facility or ground where noxious weed seeds are sold, stored, transported or planted.

**History:** 1953 Comp., § [45-10-27](#), enacted by Laws 1963, ch. [203](#), § [4](#).

### ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 3 Am. Jur. 2d Agriculture §§ 44, 45, 50.

3 C.J.S. Agriculture § 5.

**76-7-27. Declaration of certain weed seeds as noxious.**

Whenever the board receives a petition signed by twenty-five New Mexico landowners requesting that certain weeds be declared noxious, it shall hold a public hearing. At least ten days prior to the hearing, notice shall be published in at least one newspaper of general circulation in the state listing all the weeds alleged to be noxious which will be considered at the hearing. If the board, as a result of the hearing, determines a weed to be noxious, it shall declare that finding by rule or regulation.

**History:** 1953 Comp., § [45-10-28](#), enacted by Laws 1963, ch. [203](#), § [5](#).

**76-7-28. Unlawful actions.**

After any weed is declared to be noxious by the board, it shall be unlawful to sell, give away or plant any noxious weed seed in this state or in that part of the state designated by the rules and regulations of the board. This section shall not apply to materials not sold as seed, in which noxious weed seed may incidentally be found.

**History:** 1953 Comp., § [45-10-29](#), enacted by Laws 1963, ch. [203](#), § [6](#).

**ANNOTATIONS**

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 3 Am. Jur. 2d Agriculture §§ 42, 50, 51.

3 C.J.S. Agriculture § 71.

**76-7-29. Rules and regulations.**

The board may prescribe and enforce rules and regulations, pertaining to the sale, transportation or distribution of noxious weed seeds, necessary to carry out the provisions of the Noxious Weed Act of 1963 [[76-7-23](#) to [76-7-30](#) NMSA 1978].

**History:** 1953 Comp., § [45-10-30](#), enacted by Laws 1963, ch. [203](#), § [7](#).

**ANNOTATIONS**

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 3 Am. Jur. 2d Agriculture §§ 21, 22.

3 C.J.S. Agriculture §§ 19, 20.

**76-7-30. Penalty.**

Any person, firm or corporation violating the Noxious Weed Act of 1963 [[76-7-23](#) to [76-7-30](#) NMSA 1978] is guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00), nor more than three hundred dollars (\$300).

**History:** 1953 Comp., § [45-10-31](#), enacted by Laws 1963, ch. [203](#), § [8](#).

**ANNOTATIONS**

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 3 Am. Jur. 2d Agriculture §§ 42, 50, 51.

3 C.J.S. Agriculture § 72.