

1 AN ACT

2 RELATING TO RECYCLING; REQUIRING COLLABORATION AMONG VARIOUS  
3 DEPARTMENTS AND STAFF TO DEVELOP STRATEGIES FOR RECYCLING AND  
4 LITTER REDUCTION; CREATING THE POSITION OF RECYCLING AND  
5 WASTE REDUCTION EDUCATION COORDINATOR IN THE DEPARTMENT OF  
6 ENVIRONMENT; REQUIRING THE TOURISM DEPARTMENT TO COOPERATE  
7 WITH FEDERAL LAND MANAGEMENT AGENCIES TO DEVELOP A STATEWIDE  
8 WASTE REDUCTION PROGRAM; AMENDING ELIGIBILITY FOR GRANTS  
9 PURSUANT TO THE RECYCLING AND ILLEGAL DUMPING ACT; MAKING AN  
10 APPROPRIATION.

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

13 SECTION 1. Section 67-16-2 NMSA 1978 (being Laws 1985,  
14 Chapter 23, Section 2, as amended) is amended to read:

15 "67-16-2. LEGISLATIVE FINDINGS--PURPOSE--INTENT.--

16 A. The legislature finds that the proliferation  
17 and accumulation of litter discarded throughout the state  
18 constitutes a public nuisance and damages the economy of the  
19 state by making it less attractive to tourists and newcomers.  
20 There is a need to anticipate, plan for and accomplish  
21 effective litter control through a state-coordinated plan of  
22 education, control, prevention, recycling and elimination.

23 B. The purpose of the Litter Control and  
24 Beautification Act is to accomplish litter control by vesting  
25 in the department authority to eliminate litter from the

1 state to the maximum practical extent. The department shall  
2 aid in establishing a statewide keep America beautiful  
3 program. The department shall cooperate with cities,  
4 counties, other departments of state government, federal land  
5 management agencies in New Mexico and nonprofit organizations  
6 to develop a statewide litter and solid waste reduction  
7 program.

8 C. The Litter Control and Beautification Act is  
9 intended to add to and coordinate existing litter control and  
10 removal efforts, except as specifically stated in that act."

11 SECTION 2. Section 67-16-12 NMSA 1978 (being Laws 1985,  
12 Chapter 23, Section 12, as amended) is amended to read:

13 "67-16-12. FURTHER DUTIES OF DEPARTMENT.--

14 A. The department shall:

15 (1) serve as the coordinating agency between  
16 various industry and business organizations seeking to aid in  
17 the anti-litter effort;

18 (2) cooperate with all local governments to  
19 accomplish coordination of local anti-litter efforts;

20 (3) encourage voluntary local anti-litter  
21 campaigns seeking to focus the attention of the public on  
22 programs to control and remove litter;

23 (4) encourage voluntary recycling programs  
24 and aid in identifying programs and available markets for  
25 recycled materials;

1                   (5) apply for funds available from any other  
2 source for use in the administration of the Litter Control  
3 and Beautification Act;

4                   (6) adopt rules to enter into contracts for  
5 making either direct or matching grants with other state  
6 agencies, cities or counties or with an Indian nation, tribe  
7 or pueblo government for the purpose of promoting local keep  
8 America beautiful programs; and

9                   (7) aid in the adoption and enforcement of  
10 model anti-litter statutes and ordinances and improve state  
11 and local litter control programs.

12                   B. The department shall also allocate funds  
13 appropriated to it from the litter control and beautification  
14 fund for the following areas:

15                   (1) operating expenses directly related to  
16 the administration of the committee, including:

17                                 (a) research, development and  
18 implementation of a statewide evaluation system;

19                                 (b) professional services provided to  
20 the state by representatives of the national keep America  
21 beautiful program; and

22                                 (c) the promotion of and encouragement  
23 of voluntary recycling efforts for all recyclable items;

24                   (2) purchase of litter bags and receptacles;

25                   (3) conduct an ongoing statewide advertising

1 campaign educating the public about litter reduction;

2 (4) at least fifty percent of the fees  
3 received in a year to local governments or Indian nation,  
4 tribe or pueblo governments to establish and help continue  
5 local keep America beautiful programs and youth employment  
6 programs to aid in litter control, recycling and  
7 beautification projects;

8 (5) no more than fifteen percent of the fees  
9 received in a year for operating expenses for the New Mexico  
10 clean and beautiful program; and

11 (6) no more than ten percent of fees  
12 received in a year to a clearinghouse for nonprofit  
13 organizations' beautification and related educational  
14 programs."

15 SECTION 3. Section 74-13-6 NMSA 1978 (being Laws 2005,  
16 Chapter 171, Section 6) is amended to read:

17 "74-13-6. ADMINISTRATION OF ACT--RECYCLING AND WASTE  
18 REDUCTION EDUCATION COORDINATOR--COLLABORATION TO ACHIEVE  
19 PURPOSES.--

20 A. The department is responsible for the  
21 administration and enforcement of the provisions of the  
22 Recycling and Illegal Dumping Act and of all rules adopted by  
23 the board pursuant to the provisions of that act. The  
24 department is delegated all authority necessary and  
25 appropriate to carry out its responsibilities.

1           B. The position of "recycling and waste reduction  
2 education coordinator" is created in the department and shall  
3 be funded from the recycling and illegal dumping fund.

4           C. The department of environment, tourism  
5 department, office of highway litter control of the  
6 department of transportation, New Mexico outdoor recreation  
7 division of the economic development department, state parks  
8 division of the energy, minerals and natural resources  
9 department, clean and beautiful program coordinator,  
10 New Mexico clean and beautiful advisory committee and  
11 recycling and waste reduction education coordinator shall  
12 collaborate on strategies to increase recycling and litter  
13 reduction, state litter reduction education and marketing and  
14 funding priorities."

15           SECTION 4. Section 74-13-17 NMSA 1978 (being Laws 2005,  
16 Chapter 171, Section 17) is amended to read:

17           "74-13-17. GRANTS--ELIGIBILITY--APPLICATIONS.--

18           A. A municipality, county, Indian nation, pueblo  
19 or tribe, land grant community, cooperative association,  
20 solid waste authority or federally recognized nonprofit  
21 organization incorporated in New Mexico that meets  
22 eligibility requirements established by the board may apply  
23 for a grant for providing funds to public landfills to offset  
24 the cost of collecting or recycling of tires, purchase  
25 equipment, perform marketing, purchase products produced by a

1 recycling facility, provide educational outreach, develop  
2 recycling infrastructure, abate illegal dumpsites or contract  
3 with vendors to promote recycling and to abate illegal  
4 dumpsites consistent with provisions of the Recycling and  
5 Illegal Dumping Act.

6 B. A grant, loan or contract for processing shall  
7 not be awarded pursuant to the Recycling and Illegal Dumping  
8 Act to a person who receives less than ninety-five percent of  
9 recyclable materials from sources in New Mexico.

10 C. Nothing in this section prohibits a  
11 municipality, county, Indian nation, pueblo or tribe, land  
12 grant community or cooperative association from contracting  
13 for services to complete an abatement action."

14 SECTION 5. APPROPRIATION.--One million dollars  
15 (\$1,000,000) is appropriated from the general fund to the  
16 tourism department for expenditure in fiscal year 2024 for a  
17 statewide litter reduction advertising and educational  
18 campaign. Any unexpended or unencumbered balance remaining at  
19 the end of fiscal year 2024 shall revert to the general  
20 fund.

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