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SENATE BILL 193

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO ENVIRONMENTAL IMPROVEMENT; ENACTING THE LOCAL  
RECYCLING AND WASTE COLLECTION ASSISTANCE ACT; PROVIDING FOR  
GRANTS FOR PROGRAMS, SERVICES AND ACTIVITIES FOR RECYCLING,  
DIVERSION AND HOUSEHOLD HAZARDOUS WASTE AND ELECTRONIC WASTE  
COLLECTION; CREATING THE LOCAL RECYCLING AND WASTE COLLECTION  
ASSISTANCE FUND; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the  
"Local Recycling and Waste Collection Assistance Act".

Section 2. DEFINITIONS.--As used in the Local Recycling  
and Waste Collection Assistance Act:

A. "department" means the department of  
environment;

B. "diversion" means an activity that results in

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1 diverting materials from landfills through reuse, source  
2 reduction, recycling or composting;

3 C. "electronic waste" means electronic products  
4 discarded by consumers and includes televisions; computers and  
5 computer peripherals; audio and stereo equipment; videocassette  
6 recorders and digital video disc players; video cameras;  
7 telephones; cellular phones and other wireless devices; fax  
8 machines; copy machines; and video game consoles;

9 D. "eligible recipient" means a municipality,  
10 county, Indian nation, tribe or pueblo, land grant community,  
11 cooperative association, solid waste authority, school or  
12 educational institution;

13 E. "fund" means the local recycling and waste  
14 collection assistance fund;

15 F. "household hazardous waste" means leftover  
16 household products that contain corrosive, toxic, ignitable,  
17 reactive or potentially hazardous ingredients and includes  
18 paints, cleaners, oils, batteries and pesticides; and

19 G. "recycling" means any process by which  
20 recyclable materials are collected, separated or processed and  
21 reused or returned to use in the form of raw materials or  
22 products.

23 Section 3. GRANT PROGRAM--CRITERIA--PREFERENCES.--

24 A. The department shall establish a local recycling  
25 and waste collection assistance grant program to make grants to

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1 eligible recipients for programs, services or activities for  
2 recycling, diversion or the collection of household hazardous  
3 waste or electronic waste. The department shall award grants  
4 from the fund based on criteria established by the department.

5 B. In awarding grants to eligible recipients, the  
6 department shall give preference to an eligible recipient that:

7 (1) previously has not established and has no  
8 existing programs, services or activities for recycling,  
9 diversion or for collection of household hazardous waste or  
10 electronic waste;

11 (2) has large, observable quantities of  
12 household hazardous waste or electronic waste as evidenced by  
13 an inspection conducted by the department; or

14 (3) demonstrates substantial local public  
15 support for programs, services or activities for recycling,  
16 diversion or the collection of household hazardous waste or  
17 electronic waste.

18 Section 4. FUND CREATED.--The "local recycling and waste  
19 collection assistance fund" is created in the state treasury.  
20 The fund consists of appropriations, gifts, grants, donations  
21 and bequests made to the fund. Money in the fund shall not  
22 revert or be transferred to any other fund at the end of a  
23 fiscal year, and income from investment of the fund shall be  
24 credited to the fund. The department shall administer the  
25 fund, and money in the fund is appropriated to the department

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1 to make grants from the fund in accordance with Section 3 of  
2 the Local Recycling and Waste Collection Assistance Act.  
3 Expenditures from the fund shall be made on warrant of the  
4 secretary of finance and administration on vouchers signed by  
5 the secretary of environment.

6 Section 5. APPROPRIATION.--One million dollars  
7 (\$1,000,000) is appropriated from the general fund to the local  
8 recycling and waste collection assistance fund for expenditure  
9 in fiscal year 2008 and subsequent fiscal years to carry out  
10 the provisions of the Local Recycling and Waste Collection  
11 Assistance Act. Any unexpended or unencumbered balance  
12 remaining at the end of a fiscal year shall not revert to the  
13 general fund.