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AN ACT

RELATING TO LANDSCAPE BEAUTIFICATION; AMENDING, REPEALING AND ENACTING SECTIONS OF THE LITTER CONTROL AND BEAUTIFICATION ACT; ABOLISHING THE DUSTY ROADRUNNER LITTER BAG; ABOLISHING THE LITTER CONTROL COUNCIL AND CREATING THE NEW MEXICO CLEAN AND BEAUTIFUL ADVISORY COMMITTEE.

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

SECTION 1. Section 67-16-3 NMSA 1978 (being Laws 1985, Chapter 23, Section 3, as amended) is amended to read:

"67-16-3. DEFINITIONS.--As used in the Litter Control and Beautification Act:

A. "keep America beautiful system" means a comprehensive program to improve waste handling practices and the control of litter;

B. "keep New Mexico beautiful, incorporated" is the statewide organization that is the official clearinghouse for beautification projects in the state;

C. "committee" means the New Mexico clean and beautiful advisory committee;

D. "department" means the tourism department;

E. "litter" means weeds, graffiti and all waste material, including disposable packages or containers, but not including the waste of the primary processes of mining, logging, sawmilling or farming;

1 F. "person" means an individual, corporation,
2 partnership, association, firm, receiver, guardian, trustee,
3 executor, administrator, fiduciary or representative or group
4 of individuals or entities of any kind;

5 G. "public place" means an area that is used or
6 held out for use by the public, whether owned or operated by
7 public or private interests;

8 H. "recycling" means the collection, separation or
9 processing and return to the economic mainstream of raw
10 materials or products that would otherwise become solid
11 waste; and

12 I. "regional tourism district" means one of the
13 following:

14 (a) the central region consisting of
15 Bernalillo, Sandoval, Tarrant and Valencia counties;

16 (b) the north-central region consisting of
17 Los Alamos, Rio Arriba, Santa Fe and Taos counties;

18 (c) the northeast region consisting of
19 Colfax, Guadalupe, Harding, Mora, Quay, San Miguel and Union
20 counties;

21 (d) the northwest region consisting of
22 Cibola, McKinley and San Juan counties;

23 (e) the southeast region consisting of
24 Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Otero and
25 Roosevelt counties; and

1 (f) the southwest region consisting of
2 Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra and Socorro
3 counties."

4 SECTION 2. Section 67-16-4 NMSA 1978 (being Laws 1985,
5 Chapter 23, Section 4, as amended) is repealed and a new
6 Section 67-16-4 NMSA 1978 is enacted to read:

7 "67-16-4. NEW MEXICO CLEAN AND BEAUTIFUL ADVISORY
8 COMMITTEE.--

9 A. The "New Mexico clean and beautiful advisory
10 committee" is created, consisting of eleven members appointed
11 by the tourism commission. No two members shall be residents
12 of the same county. The tourism commission shall appoint
13 members to the committee who are knowledgeable in the areas
14 of beautification, blight reduction, litter eradication,
15 waste diversion and modification of human behavior patterns;
16 provided that no member shall be an employee of the state.
17 One member of the committee shall be appointed from each of
18 the six regional tourism districts, and five members shall be
19 appointed from the state at large; provided that at least two
20 of the members shall have experience in tourism, economic
21 development, community beautification or recycling
22 initiatives; provided further that at least two members shall
23 be affiliates in good standing of keep America beautiful.

24 B. The committee shall select a person from its
25 membership to serve as chair, and the committee shall meet at

1 least quarterly to conduct its business.

2 C. Notwithstanding the provisions of the Per Diem
3 and Mileage Act, the members of the committee shall not
4 receive any compensation, perquisite or allowance in
5 connection with their duties."

6 SECTION 3. Section 67-16-5 NMSA 1978 (being Laws 1985,
7 Chapter 23, Section 5) is amended to read:

8 "67-16-5. LITTER CONTROL COORDINATOR.--The department
9 shall appoint a litter control coordinator to coordinate the
10 activities of the committee."

11 SECTION 4. Section 67-16-7 NMSA 1978 (being Laws 1989,
12 Chapter 10, Section 4) is amended to read:

13 "67-16-7. MEASUREMENT AND EVALUATION.--The committee
14 shall document and report on an annual basis the
15 effectiveness and impact of department-sponsored litter
16 control and beautification programs through the following:

17 A. evaluate and report on all governmental
18 entities and keep New Mexico beautiful, incorporated projects
19 and activities funded by the department. The community
20 appearance index technique shall be a part of this report in
21 communities where appropriate and available; and

22 B. investigate and report on the feasibility,
23 appropriateness and cost of a statewide community appearance
24 index or other technique for the evaluation of highway
25 litter."

1 SECTION 5. Section 67-16-12 NMSA 1978 (being Laws 1985,
2 Chapter 23, Section 12, as amended) is amended to read:

3 "67-16-12. FURTHER DUTIES OF DEPARTMENT.--

4 A. The department shall:

5 (1) serve as the coordinating agency between
6 various industry and business organizations seeking to aid in
7 the anti-litter effort;

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

10 (3) encourage voluntary local anti-litter
11 campaigns seeking to focus the attention of the public on
12 programs to control and remove litter;

13 (4) encourage voluntary recycling programs
14 and aid in identifying programs and available markets for
15 recycled materials;

16 (5) apply for funds available from any other
17 source for use in the administration of the Litter Control
18 and Beautification Act;

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

24 (7) aid in the adoption and enforcement of
25 model anti-litter statutes and ordinances and improve state

1 and local litter control programs.

2 B. The department shall also allocate funds
3 appropriated to it from the litter control and beautification
4 fund according to the following formula:

5 (1) no more than fifteen percent of the fees
6 received in a year for operating expenses directly related to
7 the administration of the committee, including:

8 (a) research, development and
9 implementation of a statewide evaluation system;

10 (b) professional services provided to
11 the state by representatives of keep America beautiful,
12 incorporated; and

13 (c) the promotion of and encouragement
14 of private recycling efforts for all recyclable items;

15 (2) no more than twenty percent of the fees
16 received in a year to purchase litter bags and receptacles
17 and to conduct a public awareness and media campaign to
18 include brochures, literature and educational materials,
19 production of public service announcements and other expenses
20 relating to public relations;

21 (3) no more than fifty percent of the fees
22 received in a year to local governments to establish and help
23 continue local keep America beautiful system programs;

24 (4) no more than sixty percent of the fees
25 received in a year to local governments to establish a summer

1 youth employment program to aid in litter control and
2 beautification projects; and

3 (5) no more than ten percent of fees
4 received in a year to keep New Mexico beautiful, incorporated
5 to further beautification and educational programs."

6 SECTION 6. REPEAL.--Section 67-16-10 NMSA 1978 (being
7 Laws 1985, Chapter 23, Section 10, as amended) is repealed.

8 SECTION 7. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2017.

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