

SENATE BILL 235

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

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This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO HIGHWAYS; REVISING DEFINITIONS AND DUTIES OF THE TOURISM DEPARTMENT; CHANGING COMPOSITION OF THE NEW MEXICO CLEAN AND BEAUTIFUL ADVISORY COMMITTEE; AMENDING USES OF THE LITTER CONTROL AND BEAUTIFICATION FUND.

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

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

"67-16-1. SHORT TITLE.--~~[This act]~~ Chapter 67, Article 16 NMSA 1978 may be cited as the "Litter Control and Beautification Act"."

.216917.1SAAIC February 12, 2020 (9:48am)

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

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

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

B. The purpose of the Litter Control and Beautification Act is to accomplish litter control by vesting in the department authority to eliminate litter from the state to the maximum practical extent. The department shall aid in establishing a statewide keep America beautiful [system] program. The department shall cooperate with cities, counties and other departments of state government in developing a statewide litter and solid waste reduction program.

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

**SECTION 3.** 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:

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A. "keep America beautiful [~~system~~] program" means a comprehensive program to [~~improve waste handling practices and the control of litter~~] end littering, improve recycling and beautify American communities;

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

~~G.]~~ B. "committee" means the New Mexico clean and beautiful advisory committee;

~~[D.]~~ C. "department" means the tourism department;

~~[E.]~~ D. "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;

E. "New Mexico clean and beautiful program" means the statewide keep America beautiful program established by the department to carry out the purposes of the Litter Control and Beautification Act;

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

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

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

I. "~~regional tourism district~~ tourism region" means one of the following:

~~(a)~~ (1) the central region consisting of Bernalillo, Sandoval, Torrance and Valencia counties;

~~(b)~~ (2) the north-central region consisting of Los Alamos, Rio Arriba, Santa Fe and Taos counties;

~~(c)~~ (3) the northeast region consisting of Colfax, Guadalupe, Harding, Mora, Quay, San Miguel and Union counties;

~~(d)~~ (4) the northwest region consisting of Cibola, McKinley and San Juan counties;

~~(e)~~ (5) the southeast region consisting of Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Otero and Roosevelt counties; and

~~(f)~~ (6) the southwest region consisting of Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra and Socorro counties."

SECTION 4. Section 67-16-4 NMSA 1978 (being Laws 2017, Chapter 30, Section 2) is amended to read:

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

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A. The "New Mexico clean and beautiful advisory committee" is created, consisting of [~~eleven~~] seven SCONC→to eleven←SCONC members appointed by the tourism commission. No two members shall be residents of the same county. The tourism commission shall appoint members to the committee who are knowledgeable in the areas of beautification, blight reduction, litter eradication, waste diversion and modification of human behavior patterns; provided that no member shall be an employee of the state. One member of the committee shall be appointed from each of the six [~~regional tourism districts~~] tourism regions, and [~~five members~~] one SCONC→~~member~~←SCONC SCONC→to five members←SCONC shall be appointed from the state at large; provided that at least two of the members shall have experience in tourism, economic development, community beautification SCONC→, sustainable materials management←SCONC or recycling initiatives [~~provided further that at least two members shall be affiliates in good standing of keep America beautiful~~].

B. The committee shall select a person from its membership to serve as chair, and the committee shall meet at least quarterly to conduct its business.

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

SECTION 5. Section 67-16-5 NMSA 1978 (being Laws 1985,

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Chapter 23, Section 5, as amended) is amended to read:

"67-16-5. [~~LITTER CONTROL~~] CLEAN AND BEAUTIFUL PROGRAM COORDINATOR.--The department shall [~~appoint~~] designate a [~~litter control~~] clean and beautiful program coordinator to coordinate the activities of the New Mexico clean and beautiful program and the committee."

SECTION 6. Section 67-16-7 NMSA 1978 (being Laws 1989, Chapter 10, Section 4, as amended) is amended to read:

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

A. [~~evaluate and~~] report on all SCONC→**governmental**←SCONC [~~entities and keep New Mexico beautiful, incorporated~~] SCONC→**entities'**←SCONC projects and activities funded by the department through allocations from the litter control and beautification fund. The community appearance index technique shall be a part of this report in communities where appropriate and available; and

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

SECTION 7. Section 67-16-12 NMSA 1978 (being Laws 1985, Chapter 23, Section 12, as amended) is amended to read:

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

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A. The department shall:

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

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

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

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

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

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

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

B. The department shall also allocate funds appropriated to it from the litter control and beautification

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fund ~~[according to]~~ for the following ~~[formula]~~ areas:

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

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

(b) professional services provided to the state by representatives of ~~[keep America beautiful, incorporated]~~ the national keep America beautiful program; and

(c) the promotion of and encouragement of ~~[private]~~ voluntary recycling efforts for all recyclable items;

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

(3) ~~[no more than fifty percent of the fees received in a year]~~ ~~SCONC~~→assistance←~~SCONC~~ ~~SCONC~~→at least fifty percent of the fees received in a year←~~SCONC~~ to local governments or Indian nation, tribe or pueblo governments to establish and help continue local keep America beautiful ~~[system]~~ programs ~~SCONC~~→and youth employment programs to aid in litter control, recycling and beautification projects←~~SCONC~~;

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SCONC → (4) ~~[no more than sixty percent of the fees received in a year] assistance to local governments or Indian nation, tribe or pueblo governments to establish a summer youth employment program to aid in litter control, recycling and beautification projects; and~~

~~(5) [no more than ten percent of fees received in a year to keep New Mexico beautiful, incorporated to further beautification and educational programs] operating expenses for the New Mexico clean and beautiful program."~~ ← SCONC

Sf1 → SCONC → (4) ~~operating expenses for the New Mexico clean and beautiful program; and~~

~~(5) no more than ten percent of fees received in a year to a clearinghouse for nonprofit organizations' beautification and related educational programs."~~ ← SCONC ← Sf1

Sf1 → Sf1 → (4) ~~[no more than sixty percent of the fees received in a year] assistance to local governments or Indian nation, tribe or pueblo governments to establish a summer youth employment program to aid in litter control, recycling and beautification projects; and~~

~~(5) [no more than ten percent of fees received in a year to keep New Mexico beautiful, incorporated to further beautification and educational programs] operating expenses for the New Mexico clean and beautiful program."~~ ← Sf1 ← Sf1

Sf1 → (4) no more than fifteen percent of the

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fees received in a year for operating expenses for the New Mexico clean and beautiful program; and

(5) no more than ten percent of fees received in a year to a clearinghouse for nonprofit organizations' beautification and related educational programs."←Sf1

SECTION 8. REPEAL.--Section 67-16-9 NMSA 1978 (being Laws 1985, Chapter 23, Section 9, as amended) is repealed.

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