

1 SENATE BILL 235

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 John M. Sapien

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9  
10 AN ACT

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

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "67-16-1. SHORT TITLE.--~~[This act]~~ Chapter 67, Article 16  
20 NMSA 1978 may be cited as the "Litter Control and  
21 Beautification Act"."

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

24 "67-16-2. LEGISLATIVE FINDINGS--PURPOSE--INTENT.--

25 A. The legislature finds that the proliferation and

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1 accumulation of litter discarded throughout the state  
2 constitutes a public nuisance and damages the economy of the  
3 state by making it less attractive to tourists and newcomers.  
4 There is a need to anticipate, plan for and accomplish  
5 effective litter control through a state-coordinated plan of  
6 education, control, prevention, recycling and elimination.

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

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

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

20 "67-16-3. DEFINITIONS.--As used in the Litter Control and  
21 Beautification Act:

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

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

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

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

7           ~~[E.]~~ D. "litter" means weeds, graffiti and all  
8 waste material, including disposable packages or containers,  
9 but not including the waste of the primary processes of mining,  
10 logging, sawmilling or farming;

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

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

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

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

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1 I. "~~regional tourism district~~ tourism region"

2 means one of the following:

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

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

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

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

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

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

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

20 "67-16-4. NEW MEXICO CLEAN AND BEAUTIFUL ADVISORY  
21 COMMITTEE.--

22 A. The "New Mexico clean and beautiful advisory  
23 committee" is created, consisting of [~~eleven~~] seven members  
24 appointed by the tourism commission. No two members shall be  
25 residents of the same county. The tourism commission shall

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1 appoint members to the committee who are knowledgeable in the  
2 areas of beautification, blight reduction, litter eradication,  
3 waste diversion and modification of human behavior patterns;  
4 provided that no member shall be an employee of the state. One  
5 member of the committee shall be appointed from each of the six  
6 [~~regional tourism districts~~] tourism regions, and [~~five~~  
7 ~~members~~] one member shall be appointed from the state at large;  
8 provided that at least two of the members shall have experience  
9 in tourism, economic development, community beautification or  
10 recycling initiatives [~~provided further that at least two~~  
11 ~~members shall be affiliates in good standing of keep America~~  
12 ~~beautiful~~].

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

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

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

22 "67-16-5. [~~LITTER CONTROL~~] CLEAN AND BEAUTIFUL PROGRAM  
23 COORDINATOR.--The department shall [~~appoint~~] designate a  
24 [~~litter control~~] clean and beautiful program coordinator to  
25 coordinate the activities of the New Mexico clean and beautiful

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1 program and the committee."

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

4 "67-16-7. MEASUREMENT AND EVALUATION.--The committee  
5 shall document and report on an annual basis the effectiveness  
6 and impact of department-sponsored litter control and  
7 beautification programs through the following:

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

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

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

20 "67-16-12. FURTHER DUTIES OF DEPARTMENT.--

21 A. The department shall:

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

25 (2) cooperate with all local governments to

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1 accomplish coordination of local anti-litter efforts;

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

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

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

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

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

19 B. The department shall also allocate funds  
20 appropriated to it from the litter control and beautification  
21 fund [~~according to~~] for the following [~~formula~~] areas:

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

25 (a) research, development and

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1 implementation of a statewide evaluation system;

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

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

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

14 (3) [~~no more than fifty percent of the fees~~  
15 ~~received in a year~~] assistance to local governments or Indian  
16 nation, tribe or pueblo governments to establish and help  
17 continue local keep America beautiful [~~system~~] programs;

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

23 (5) [~~no more than ten percent of fees received~~  
24 ~~in a year to keep New Mexico beautiful, incorporated to further~~  
25 ~~beautification and educational programs~~] operating expenses for

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the New Mexico clean and beautiful program."

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