

1 SENATE BILL 182

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Jeff Steinborn and Crystal R. Diamond

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10 AN ACT

11 RELATING TO RECYCLING; REQUIRING COLLABORATION AMONG VARIOUS
12 DEPARTMENTS AND STAFF TO DEVELOP STRATEGIES FOR RECYCLING AND
13 LITTER REDUCTION; CREATING THE POSITION OF RECYCLING AND WASTE
14 REDUCTION EDUCATION COORDINATOR IN THE DEPARTMENT OF
15 ENVIRONMENT; REQUIRING THE TOURISM DEPARTMENT TO COOPERATE WITH
16 FEDERAL LAND MANAGEMENT AGENCIES TO DEVELOP A STATEWIDE WASTE
17 REDUCTION PROGRAM; AMENDING ELIGIBILITY FOR GRANTS PURSUANT TO
18 THE RECYCLING AND ILLEGAL DUMPING ACT.

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

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

23 "67-16-2. LEGISLATIVE FINDINGS--PURPOSE--INTENT.--

24 A. The legislature finds that the proliferation and
25 accumulation of litter discarded throughout the state

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

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

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

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

21 "67-16-12. FURTHER DUTIES OF DEPARTMENT.--

22 A. The department shall:

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

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

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

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

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

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

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

20 B. The department shall also allocate funds
21 appropriated to it from the litter control and beautification
22 fund for the following areas:

23 (1) operating expenses directly related to the
24 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 the national keep America
4 beautiful program; and

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

7 (2) purchase of litter bags and receptacles;
8 [~~and to~~]

9 (3) conduct [~~a public awareness and media~~] an
10 ongoing statewide advertising campaign [~~to include brochures,~~
11 ~~literature and educational materials, production of public~~
12 ~~service announcements and other expenses relating to public~~
13 ~~relations~~] educating the public about litter reduction;

14 [~~(3)~~] (4) at least fifty percent of the fees
15 received in a year to local governments or Indian nation, tribe
16 or pueblo governments to establish and help continue local keep
17 America beautiful programs and youth employment programs to aid
18 in litter control, recycling and beautification projects;

19 [~~(4)~~] (5) no more than fifteen percent of the
20 fees received in a year for operating expenses for the New
21 Mexico clean and beautiful program; and

22 [~~(5)~~] (6) no more than ten percent of fees
23 received in a year to a clearinghouse for nonprofit
24 organizations' beautification and related educational
25 programs."

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

3 "74-13-6. ADMINISTRATION OF ACT--RECYCLING AND WASTE
4 REDUCTION EDUCATION COORDINATOR--COLLABORATION TO ACHIEVE
5 PURPOSES.--

6 A. The department is responsible for the
7 administration and enforcement of the provisions of the
8 Recycling and Illegal Dumping Act and of all rules adopted by
9 the board pursuant to the provisions of that act. The
10 department is delegated all authority necessary and appropriate
11 to carry out its responsibilities.

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

15 C. The department of environment, tourism
16 department, office of highway litter control of the department
17 of transportation, New Mexico outdoor recreation division of
18 the economic development department, state parks division of
19 the energy, minerals and natural resources department, clean
20 and beautiful program coordinator, New Mexico clean and
21 beautiful advisory committee and recycling and waste reduction
22 education coordinator shall collaborate on strategies to
23 increase recycling and litter reduction, state litter reduction
24 education and marketing and funding priorities."

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

2 "74-13-17. GRANTS--ELIGIBILITY--APPLICATIONS.--

3 A. A municipality, county, Indian nation, pueblo or
4 tribe, land grant community, cooperative association, ~~[or]~~
5 solid waste authority or federally recognized nonprofit
6 organization incorporated in New Mexico that meets eligibility
7 requirements established by the board may apply for a grant for
8 providing funds to public landfills to offset the cost of
9 collecting or recycling of tires, ~~[or submit a competitive bid~~
10 ~~for a loan or contract for development costs or operating costs~~
11 ~~to establish a recycling facility]~~ purchase equipment, perform
12 marketing, purchase products produced by a recycling facility,
13 provide educational outreach, develop recycling infrastructure,
14 abate illegal dumpsites or contract with vendors to promote
15 recycling and to abate illegal dumpsites consistent with
16 provisions of the Recycling and Illegal Dumping Act. ~~[The~~
17 ~~first priority for funding shall be abatement of illegal scrap~~
18 ~~tire dumpsites and the recycling of scrap tires.~~

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

23 ~~G.]~~ B. Nothing in this section prohibits a
24 municipality, county, Indian nation, pueblo or tribe, land
25 grant community or cooperative association from contracting for

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services to complete an abatement action.

~~[D. At least two thirds of budgeted grant money in each fiscal year shall be allocated to tire abatement and recycling programs, and one third of budgeted grant money in each fiscal year shall be allocated to abatement of illegal dumping and recycling of other solid wastes.]"~~