

LFC Requester:	Austin Davidson
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date 1/23/2026 *Check all that apply:*
Prepared: _____
Bill SB 47 Original Correction _____
Number: _____ Amend Substitute _____
 ment _____ ute _____

Sponsor: Pete Campos **Agency Name and Code Number:** NMDA - 199
Person Writing Analysis: Jeff Witte
Short Title: Food Recovery & Composting Act **Phone:** 575-294-3817 **Email:** Jheitz@nmda.nm.su.edu

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0.0	\$0.0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Indeterminate	Indeterminate	Indeterminate	Recurring	Food recovery and composting fund

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total	NFI	NFI	NFI	NFI	N/A	N/A
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(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 47 (SB 47) creates the “food recovery and composting program” (program) to advance food recovery, composting and organic waste reduction across the state. The New Mexico environment department (NMED) is directed to administer the program by providing grants to eligible entities; procuring service contracts; and conducting education, outreach, and other programming. SB 47 creates the non-reverting “food recovery and composting fund” in the state treasury to be administered by NMED for the purposes of the program. NMED is required to promulgate rules governing administration of the grant program.

SB 47 also creates the food recovery and composting advisory group (advisory group), names thirteen categories of representatives to serve on the advisory group, caps the advisory group’s membership at fifteen, and directs NMED to appoint members of the group to two-year terms. The advisory group is directed to advise NMED on details of the grant program and application; review applications made to the program; and develop voluntary and incentive-based programming to advance the program’s purpose.

Lastly, SB 47 imposes a new surcharge on owners/operators of solid waste facilities. Solid waste facilities that do not own or operate an on-site compost facility shall pay a rate of three dollars per ton of solid waste processed, while facilities that own or operate an on-site composting facility shall have a reduced charge of two dollars per ton. The surcharge is to be administered under the provisions of the Tax Administration Act (Section 7-1-2 NMSA 1978), which SB 47 amends. Revenue from the surcharge is distributed to the food recovery and composting fund.

FISCAL IMPLICATIONS

There would be no fiscal implications to the New Mexico department of agriculture (NMDA).

With the food recovery and composting surcharge, there could be significant revenue generated for the food recovery and composting fund. However, NMDA does not possess the relevant solid waste data or industry knowledge to calculate projected revenue.

SIGNIFICANT ISSUES

NMDA is specifically named as one of the state entities to have a representative member on the food recovery and composting advisory group in SB 47. NMDA implements New Mexico's Healthy Soil Act (76-25-1 to 76-25-5 NMSA 1978) and compost use is a popular agricultural practice that NMDA's Healthy Soil Program supports. The Healthy Soil Act directs NMDA to “identify ways to increase the generation and use of compost to build healthy soils” and to prioritize in-state procurement of compost for the program. In 2025, NMDA commissioned a report to support these directives, titled: “Compost Generation and Use in New Mexico: A study commissioned by the New Mexico Department of Agriculture’s Healthy Soil Program”. NMDA’s membership on the advisory group would support the implementation of these provisions in the Healthy Soil Act and represent the interests of agricultural compost users in the state.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB 47 is not enacted, the food recovery and composting program and food recovery and composting fund will not be created. The food recovery and composting advisory group will not be created. A new surcharge on solid waste processing will not be imposed on solid waste facility operators.

AMENDMENTS

N/A