

SENATE BILL 182

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO RECYCLING; REQUIRING COLLABORATION AMONG VARIOUS DEPARTMENTS AND STAFF TO DEVELOP STRATEGIES FOR RECYCLING AND LITTER REDUCTION; CREATING THE POSITION OF RECYCLING AND WASTE REDUCTION EDUCATION COORDINATOR IN THE DEPARTMENT OF ENVIRONMENT; REQUIRING THE TOURISM DEPARTMENT TO COOPERATE WITH FEDERAL LAND MANAGEMENT AGENCIES TO DEVELOP A STATEWIDE WASTE REDUCTION PROGRAM; AMENDING ELIGIBILITY FOR GRANTS PURSUANT TO THE RECYCLING AND ILLEGAL DUMPING ACT ~~SFC~~ ~~→~~ ~~SCONG~~ ~~→~~; ~~MAKING AN~~

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~~APPROPRIATION~~ ← ~~SCONG~~ ← SFC .

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

SECTION 1. 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 program. The department shall cooperate with cities, counties, ~~and~~ other departments of state government, ~~in developing~~ federal land management agencies in New Mexico and nonprofit organizations to develop 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."

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SECTION 2. 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.--

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 programs; and

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

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

(1) 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 the national keep America beautiful program; and

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

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

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

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

~~[(4)]~~ (5) no more than fifteen percent of the fees received in a year for operating expenses for the New

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Mexico clean and beautiful program; and

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

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

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

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

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

C. The department of environment, tourism department, office of highway litter control of the department of transportation, New Mexico outdoor recreation division of the economic development department, state parks division of the energy, minerals and natural resources department, clean and beautiful program coordinator, New Mexico clean and beautiful advisory committee and recycling and waste reduction

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education coordinator shall collaborate on strategies to increase recycling and litter reduction, state litter reduction education and marketing and funding priorities."

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

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

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

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

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

C.] ← SCONC SCONC → B. ← SCONC Nothing in this section prohibits a municipality, county, Indian nation, pueblo or tribe, land grant community or cooperative association from contracting for 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.]"~~

SFC → SCONC → SECTION 5. APPROPRIATION. -- One million dollars (\$1,000,000) is appropriated from the general fund to the tourism department for expenditure in fiscal year 2024 for a statewide litter reduction advertising and educational campaign. Any unexpended or unencumbered balance remaining at the end of fiscal year 2024 shall revert to the general fund. ← SCONC ← SFC