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**HOUSE BILL 338**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Henry "Kiki" Saavedra**

**AN ACT**

**RELATING TO THE LITTER CONTROL AND BEAUTIFICATION ACT;  
TRANSFERRING ACTIVITIES TO THE TOURISM DEPARTMENT; AMENDING  
AND REPEALING SECTIONS OF THE NMSA 1978; DECLARING AN  
EMERGENCY.**

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

**Section 1. 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:**

**A. "keep America beautiful system" means a  
comprehensive program to improve waste handling practices and  
the control of litter;**

**B. "keep New Mexico beautiful, incorporated" is  
[a] the statewide organization [~~which~~] that is the official**

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1 clearinghouse for beautification projects in the state;

2 C. "council" means the litter control council;

3 D. "department" means the [~~state highway and~~  
4 ~~transportation~~] tourism department;

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

9 F. "person" means [~~any~~] an individual,  
10 corporation, partnership, association, firm, receiver,  
11 guardian, trustee, executor, administrator, fiduciary or  
12 representative or group of individuals or entities of any  
13 kind;

14 G. "public place" means [~~any~~] an area that is used  
15 or held out for use by the public, whether owned or operated  
16 by public or private interests; and

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

21 Section 2. Section 67-16-8 NMSA 1978 (being Laws 1985,  
22 Chapter 23, Section 8, as amended) is amended to read:

23 "67-16-8. CONTRACTING WITH OTHER AGENCIES. -- The  
24 department shall have authority to contract with other state  
25 and local government agencies [~~having law enforcement powers~~]

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1 for services and personnel reasonably necessary to carry out  
2 the provisions of the Litter Control and Beautification Act. "

3 Section 3. Section 67-16-9 NMSA 1978 (being Laws 1985,  
4 Chapter 23, Section 9) is amended to read:

5 "67-16-9. LITTER RECEPTACLES-- PLACEMENT. --The department  
6 shall establish reasonable guidelines for the number,  
7 placement and maintenance of receptacles in cooperation with  
8 the persons in control of any property that is open to the  
9 public. The department shall consider, among other public  
10 places, the public highways of the state, all parks,  
11 campgrounds, trailer parks, drive-in restaurants, construction  
12 sites, gasoline service stations, shopping centers, retail  
13 store parking lots, parking lots of industrial and business  
14 firms, marinas, boating areas, public and private piers,  
15 beaches and bathing areas. Litter receptacles shall be  
16 maintained in a manner to prevent overflow or spillage from  
17 the receptacles. "

18 Section 4. Section 67-16-10 NMSA 1978 (being Laws 1985,  
19 Chapter 23, Section 10) is amended to read:

20 "67-16-10. LITTER BAG. --The council shall design and  
21 produce a litter bag bearing the state anti-litter symbol,  
22 Dusty Roadrunner, and a statement of the penalties prescribed  
23 for littering. Litter bags shall be distributed by the motor  
24 vehicle division of the [~~transportation~~] taxation and revenue  
25 department and the department of game and fish at no charge at

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1 the time and place of the issuance of licenses or renewal  
2 thereof. The state may provide litter bags at no charge to  
3 tourists and visitors at points of entry into the state. The  
4 council may establish a distribution system with the aid of  
5 private industry. "

6 Section 5. Section 67-16-12 NMSA 1978 (being Laws 1985,  
7 Chapter 23, Section 12, as amended) is amended to read:

8 "67-16-12. FURTHER DUTIES OF DEPARTMENT. --

9 A. The department shall:

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

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

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

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

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

24 (6) adopt rules [~~and regulations~~] to enter  
25 into contracts for making either direct or matching grants

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1 with other state agencies, cities or counties or with an  
2 Indian nation, tribe or pueblo government for the purpose of  
3 promoting local keep America beautiful system programs; and

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

7 B. The department shall also allocate funds  
8 [~~generated by the Litter Control and Beautification Act~~]  
9 appropriated to it from the litter control and beautification  
10 fund according to the following formula:

11 (1) no more than fifteen percent of the fees  
12 received in a year for operating expenses directly related to  
13 the administration of the council, including:

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

16 (b) professional services provided to  
17 the state by representatives of keep America beautiful,  
18 incorporated; and

19 (c) the promotion of and encouragement  
20 of private recycling efforts for all recyclable items;

21 (2) no more than twenty percent of the fees  
22 received in a year to purchase litter bags and receptacles and  
23 to conduct a public awareness and media campaign to include  
24 brochures, literature and educational materials, production of  
25 public service announcements and other expenses relating to

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1 public relations;

2 (3) no more than fifty percent of the fees  
3 received in a year to local governments to establish and help  
4 continue local keep America beautiful system programs;

5 (4) no more than sixty percent of the fees  
6 received in a year to local governments to establish a summer  
7 youth employment program to aid in litter control and  
8 beautification projects; and

9 (5) no more than ten percent of fees received  
10 in a year to keep New Mexico beautiful, incorporated to  
11 further beautification and educational programs. "

12 Section 6. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,  
13 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On the effective  
14 date of this act:

15 A. all personnel, appropriations, money, records,  
16 equipment, supplies and other property and money necessary for  
17 the activities of the Litter Control and Beautification Act  
18 shall be transferred to the tourism department;

19 B. all contracts related to the Litter Control and  
20 Beautification Act shall be binding and effective on the  
21 tourism department; and

22 C. with respect to the Litter Control and  
23 Beautification Act, all references in law to the state highway  
24 and transportation department shall be deemed to be references  
25 to the tourism department.

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