

1 HOUSE BILL 218

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Rebecca Dow

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9  
10 AN ACT

11 RELATING TO LANDSCAPE BEAUTIFICATION; AMENDING, REPEALING AND  
12 ENACTING SECTIONS OF THE LITTER CONTROL AND BEAUTIFICATION ACT;  
13 ABOLISHING THE DUSTY ROADRUNNER LITTER BAG; ABOLISHING THE  
14 LITTER CONTROL COUNCIL AND CREATING THE NEW MEXICO CLEAN AND  
15 BEAUTIFUL ADVISORY COMMITTEE.

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

18 SECTION 1. 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" means a  
23 comprehensive program to improve waste handling practices and  
24 the control of litter;

25 B. "keep New Mexico beautiful, incorporated" is the

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1 statewide organization that is the official clearinghouse for  
2 beautification projects in the state;

3 C. [~~"council" means the litter control council]~~  
4 "committee" means the New Mexico clean and beautiful advisory  
5 committee;

6 D. "department" means the tourism department;

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

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

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

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

21 SECTION 2. Section 67-16-4 NMSA 1978 (being Laws 1985,  
22 Chapter 23, Section 4, as amended) is repealed and a new  
23 Section 67-16-4 NMSA 1978 is enacted to read:

24 "67-16-4. [NEW MATERIAL] NEW MEXICO CLEAN AND BEAUTIFUL  
25 ADVISORY COMMITTEE.--

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1           A. The "New Mexico clean and beautiful advisory  
2 committee" is created, consisting of seven members appointed by  
3 the tourism commission. The tourism commission shall appoint  
4 members to the committee who are knowledgeable in the areas of  
5 beautification, blight reduction, waste diversion and  
6 modification of human behavior patterns; provided that at least  
7 two members shall have experience in tourism, economic  
8 development, community beautification or recycling initiatives;  
9 and provided further that no member shall be an employee of the  
10 state.

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

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

18           **SECTION 3.** Section 67-16-5 NMSA 1978 (being Laws 1985,  
19 Chapter 23, Section 5) is amended to read:

20           "67-16-5. LITTER CONTROL COORDINATOR.--The department  
21 shall appoint a litter control coordinator to coordinate the  
22 activities of the [~~council within three months after the~~  
23 ~~effective date of the Litter Control and Beautification Act]~~  
24 committee."

25           **SECTION 4.** Section 67-16-7 NMSA 1978 (being Laws 1989,  
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1 Chapter 10, Section 4) is amended to read:

2 "67-16-7. MEASUREMENT AND EVALUATION.--The [department]  
3 committee shall document and report on an annual basis the  
4 effectiveness and impact of [~~council-sponsored~~] department-  
5 sponsored litter control and beautification programs through  
6 the following:

7 A. evaluate and report on all governmental entities  
8 and keep New Mexico beautiful, incorporated projects and  
9 activities funded by the [~~council~~] department. The  
10 [~~photometric~~] community appearance index technique shall be a  
11 part of this report in communities where appropriate and  
12 available; and

13 [~~B. evaluate and report on the placement and~~  
14 ~~management of litter receptacles placed on state property as~~  
15 ~~funded by the Litter Control and Beautification Act; and]~~

16 [~~G.~~] B. investigate and report on the feasibility,  
17 appropriateness and cost of a statewide [~~photometric~~] community  
18 appearance index or other technique for the evaluation of  
19 highway litter."

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

22 "67-16-12. FURTHER DUTIES OF DEPARTMENT.--

23 A. The department shall:

24 (1) serve as the coordinating agency between  
25 various industry and business organizations seeking to aid in

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1 the anti-litter effort;

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

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

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

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

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

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

21 B. The department shall also allocate funds  
22 appropriated to it from the litter control and beautification  
23 fund according to the following formula:

24 (1) no more than fifteen percent of the fees  
25 received in a year for operating expenses directly related to

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1 the administration of the [~~council~~] committee, including:

2 (a) research, development and  
3 implementation of a statewide evaluation system;

4 (b) professional services provided to  
5 the state by representatives of keep America beautiful,  
6 incorporated; and

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

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

15 (3) no more than fifty percent of the fees  
16 received in a year to local 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 to local governments to establish a summer  
20 youth employment program to aid in litter control and  
21 beautification projects; and

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

25 SECTION 6. REPEAL.--Section 67-16-10 NMSA 1978 (being

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1 Laws 1985, Chapter 23, Section 10, as amended) is repealed.

2 SECTION 7. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2017.

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