

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

C. "council" means the litter control council;

D. "department" means the tourism department;

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

F. "person" means an individual, corporation,  
partnership, association, firm, receiver, guardian, trustee,

executor, administrator, fiduciary or representative or group of individuals or entities of any kind;

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

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

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

"67-16-8. CONTRACTING WITH OTHER AGENCIES. --The department shall have authority to contract with other state and local government agencies for services and personnel reasonably necessary to carry out the provisions of the Litter Control and Beautification Act."

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

"67-16-9. LITTER RECEPTACLES-- PLACEMENT. --The department shall establish reasonable guidelines for the number, placement and maintenance of receptacles in cooperation with the persons in control of any property that is open to the public. The department shall consider, among other public places, the public highways of the state, all parks, campgrounds, trailer parks, drive-in restaurants,

construction sites, gasoline service stations, shopping centers, retail store parking lots, parking lots of industrial and business firms, marinas, boating areas, public and private piers, beaches and bathing areas. Litter receptacles shall be maintained in a manner to prevent overflow or spillage from the receptacles. "

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

"67-16-10. LITTER BAG. --The council shall design and produce a litter bag bearing the state anti-litter symbol, Dusty Roadrunner, and a statement of the penalties prescribed for littering. Litter bags shall be distributed by the motor vehicle division of the taxation and revenue department and the department of game and fish at no charge at the time and place of the issuance of licenses or renewal thereof. The state may provide litter bags at no charge to tourists and visitors at points of entry into the state. The council may establish a distribution system with the aid of private industry. "

Section 5. 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 system programs; and

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

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

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

the administration of the council, including:

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

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

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

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

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

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

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

PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On the effective date of this act:

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

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

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

Section 7. REPEAL.--Section 67-16-13 NMSA 1978 (being Laws 1985, Chapter 23, Section 13) is repealed.

Section 8. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately. \_\_\_\_\_