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AN ACT

RELATING TO HIGHWAYS; REVISING DEFINITIONS AND DUTIES OF THE
TOURISM DEPARTMENT; CHANGING COMPOSITION OF THE NEW MEXICO
CLEAN AND BEAUTIFUL ADVISORY COMMITTEE; AMENDING USES OF THE
LITTER CONTROL AND BEAUTIFICATION FUND.

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

SECTION 1. Section 67-16-1 NMSA 1978 (being Laws 1985,
Chapter 23, Section 1) is amended to read:

"67-16-1. SHORT TITLE.--Chapter 67, Article 16 NMSA
1978 may be cited as the "Litter Control and Beautification
Act"."

SECTION 2. 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

1 state to the maximum practical extent. The department shall
2 aid in establishing a statewide keep America beautiful
3 program. The department shall cooperate with cities,
4 counties and other departments of state government in
5 developing a statewide litter and solid waste reduction
6 program.

7 C. The Litter Control and Beautification Act is
8 intended to add to and coordinate existing litter control and
9 removal efforts, except as specifically stated in that act."

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

12 "67-16-3. DEFINITIONS.--As used in the Litter Control
13 and Beautification Act:

14 A. "keep America beautiful program" means a
15 comprehensive program to end littering, improve recycling and
16 beautify American communities;

17 B. "committee" means the New Mexico clean and
18 beautiful advisory committee;

19 C. "department" means the tourism department;

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

24 E. "New Mexico clean and beautiful program" means
25 the statewide keep America beautiful program established by

1 the department to carry out the purposes of the Litter
2 Control and Beautification Act;

3 F. "person" means an individual, corporation,
4 partnership, association, firm, receiver, guardian, trustee,
5 executor, administrator, fiduciary or representative or group
6 of individuals or entities of any kind;

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

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

14 I. "tourism region" means one of the following:

15 (1) the central region consisting of
16 Bernalillo, Sandoval, Tarrant and Valencia counties;

17 (2) the north-central region consisting of
18 Los Alamos, Rio Arriba, Santa Fe and Taos counties;

19 (3) the northeast region consisting of
20 Colfax, Guadalupe, Harding, Mora, Quay, San Miguel and Union
21 counties;

22 (4) the northwest region consisting of
23 Cibola, McKinley and San Juan counties;

24 (5) the southeast region consisting of
25 Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Otero and

1 Roosevelt counties; and

2 (6) the southwest region consisting of
3 Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra and Socorro
4 counties."

5 SECTION 4. Section 67-16-4 NMSA 1978 (being Laws 2017,
6 Chapter 30, Section 2) is amended to read:

7 "67-16-4. NEW MEXICO CLEAN AND BEAUTIFUL ADVISORY
8 COMMITTEE.--

9 A. The "New Mexico clean and beautiful advisory
10 committee" is created, consisting of seven to eleven members
11 appointed by the tourism commission. No two members shall be
12 residents of the same county. The tourism commission shall
13 appoint members to the committee who are knowledgeable in the
14 areas of beautification, blight reduction, litter
15 eradication, waste diversion and modification of human
16 behavior patterns; provided that no member shall be an
17 employee of the state. One member of the committee shall be
18 appointed from each of the six tourism regions, and one to
19 five members shall be appointed from the state at large;
20 provided that at least two of the members shall have
21 experience in tourism, economic development, community
22 beautification, sustainable materials management or recycling
23 initiatives.

24 B. The committee shall select a person from its
25 membership to serve as chair, and the committee shall meet at

1 least quarterly to conduct its business.

2 C. Notwithstanding the provisions of the Per Diem
3 and Mileage Act, the members of the committee shall not
4 receive any compensation, perquisite or allowance in
5 connection with their duties."

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

8 "67-16-5. CLEAN AND BEAUTIFUL PROGRAM COORDINATOR.--The
9 department shall designate a clean and beautiful program
10 coordinator to coordinate the activities of the New Mexico
11 clean and beautiful program and the committee."

12 SECTION 6. Section 67-16-7 NMSA 1978 (being Laws 1989,
13 Chapter 10, Section 4, as amended) is amended to read:

14 "67-16-7. MEASUREMENT AND EVALUATION.--The committee
15 shall document and report on an annual basis the
16 effectiveness and impact of department-sponsored litter
17 control and beautification programs through the following:

18 A. report on all projects and activities funded by
19 the department through allocations from the litter control
20 and beautification fund. The community appearance index
21 technique shall be a part of this report in communities where
22 appropriate and available; and

23 B. investigate and report on the feasibility,
24 appropriateness and cost of a statewide community appearance
25 index or other technique for the evaluation of highway

1 litter."

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

4 "67-16-12. FURTHER DUTIES OF DEPARTMENT.--

5 A. The department shall:

6 (1) serve as the coordinating agency between
7 various industry and business organizations seeking to aid in
8 the anti-litter effort;

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

11 (3) encourage voluntary local anti-litter
12 campaigns seeking to focus the attention of the public on
13 programs to control and remove litter;

14 (4) encourage voluntary recycling programs
15 and aid in identifying programs and available markets for
16 recycled materials;

17 (5) apply for funds available from any other
18 source for use in the administration of the Litter Control
19 and Beautification Act;

20 (6) adopt rules to enter into contracts for
21 making either direct or matching grants with other state
22 agencies, cities or counties or with an Indian nation, tribe
23 or pueblo government for the purpose of promoting local keep
24 America beautiful programs; and

25 (7) aid in the adoption and enforcement of

1 model anti-litter statutes and ordinances and improve state
2 and local litter control programs.

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

6 (1) operating expenses directly related to
7 the administration of the committee, including:

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

10 (b) professional services provided to
11 the state by representatives of the national keep America
12 beautiful program; and

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

15 (2) purchase of litter bags and receptacles
16 and to conduct a public awareness and media campaign to
17 include brochures, literature and educational materials,
18 production of public service announcements and other expenses
19 relating to public relations;

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

1 (4) no more than fifteen percent of the fees
2 received in a year for operating expenses for the New Mexico
3 clean and beautiful program; and

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

8 SECTION 8. REPEAL.--Section 67-16-9 NMSA 1978 (being HB 317/a
9 Laws 1985, Chapter 23, Section 9, as amended) is repealed. Page 8

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