

LFC Requester:

Austin Davidson

## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** Feb. 6, 2025

*Check all that apply:*

**Bill Number:** HB291

Original  Correction   
Amendment  Substitute

**Sponsor:** Rep. Andrea Romero

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Short Title:** Recycling & State’s Circular  
Economy

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

#### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

**Sections 1 and 2:** HB 291 would amend the Recycling and Illegal Dumping Act, NMSA 1978, §§ 74-13-1–20, retitling the act “Recycling, Circular Economy and Illegal Dumping Act” and adding the phrase “circular economy” throughout the act after most instances of the word “recycling.”

**Section 3** defines “circular economy” as “an economy that uses a systems-focused approach and involves industrial processes and economic activities” that enable resources to retain value for as long as possible and eliminates waste.

**Section 4** creates the positions of “recycling and waste reduction coordinator” and “circular economy coordinator” within NMED and funds the positions from the recycling and illegal dumping fund.

**Section 6** provides that the Environmental Improvement Board must promulgate rules regarding citizen rule proposals and must make a decision on whether to hear such proposals within sixty days of submission.

**Section 13** adds federally recognized nonprofit organizations to the list of entities eligible to for grants and strikes ability of those same eligible entities to submit a competitive bid for a loan or contract for costs associated with establishing a recycling facility. It also removes the requirement that a grant recipient must receive more than 95% of its recyclable materials from sources in New Mexico. It also removes the current grant allocation percentage wherein at least 2/3 of grants must be allocated to tire abatement and the rest to illegal dumping and recycling.

**Section 14** deletion the requirement that money in the “recycling and illegal dumping fund” be used for the “abatement of illegal dumpsites; for processing, transportation or recycling of all recyclable materials and scrap tires; for providing funds to public landfills in New Mexico to offset the cost of collecting or recycling tires.” With that deletion, money in that fund can be used for the remaining and more general requirement of “carrying out the provisions of the Recycling, Circular Economy and Illegal Dumping Act.”

The sections not listed above merely introduce the phrase “circular economy” into the existing act without substantively changing the act.

## **FISCAL IMPLICATIONS**

See Administrative Implications. As noted there, the bill appears to increase the NMDOJ's workload, but does not include a concomitant provision of resources to address the increased load.

## **SIGNIFICANT ISSUES**

N/A.

## **PERFORMANCE IMPLICATIONS**

N/A.

## **ADMINISTRATIVE IMPLICATIONS**

Under NMSA 1978, Section 74-1-8.1, the Environmental Improve Board is given the option of acting on legal advice from the Attorney General, independent counsel, or another state agency. HB291's requirement of rules for expeditiously acting on citizen rulemaking petitions could lead to an increase in legal analysis required by NMDOJ.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A.

## **TECHNICAL ISSUES**

N/A.

## **OTHER SUBSTANTIVE ISSUES**

N/A.

## **ALTERNATIVES**

N/A.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

## **AMENDMENTS**

N/A.