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HOUSE BILL 637

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

HENRY KIKI SAAVEDRA

AN ACT

RELATING TO LITTER CONTROL AND BEAUTIFICATION; AMENDING SECTIONS OF
THE LITTER CONTROL AND BEAUTIFICATION ACT; MAKING AN APPROPRIATION.

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

C. "council" means the litter control council;

D. "department" means the state highway and transportation department;

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

F. "person" means any individual, corporation, partnership, association, firm,

Underscored material = new
[bracketed material] = delete

1 receiver, guardian, trustee, executor, administrator, fiduciary or representative or group of
2 individuals or entities of any kind;

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

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

8 I. "program" means the New Mexico clean and beautiful program that
9 administers the funds created in the Litter Control and Beautification Act."

10 Section 2. Section 67-16-4 NMSA 1978 (being Laws 1985, Chapter 23, Section 4, as
11 amended) is amended to read:

12 "67-16-4. LITTER CONTROL COUNCIL.--There is created the "litter control
13 council". The governor shall appoint the members of the council. The governor shall appoint
14 one member of the council representing the public at large and one member [~~representing~~]
15 representative from each of the following, except where otherwise provided:

16 A. keep New Mexico beautiful, incorporated, two members;

17 B. mayors of keep America beautiful system cities;

18 C. city managers;

19 D. the New Mexico broadcasters' association or newspapers;

20 [~~E. newspapers~~;

21 ~~F. the league of women voters~~;

22 ~~G.] E. the New Mexico soft drink association;~~

23 [~~H.] E. the New Mexico hotel and motel, [~~association~~] home builders or retail~~

24 associations;

25 [~~F.] G. the New Mexico grocers association;~~

[~~F.] H. the New Mexico liquor wholesalers [~~association~~] or retail liquor~~

associations;

- 1 ~~[K.]~~ the New Mexico retail liquor dealers association;
- 2 ~~E.]~~ L. garden clubs or agricultural organizations;
- 3 ~~[M.]~~ J. the New Mexico municipal league;
- 4 ~~[N.]~~ K. the New Mexico association of counties or the association of
- 5 commerce and industry of New Mexico;
- 6 ~~[O.]~~ the New Mexico retail association;
- 7 ~~P.]~~ L. the New Mexico public interest research group or environmental
- 8 organizations, three members;
- 9 ~~[Q.]~~ environmental organizations, three members;
- 10 ~~R.]~~ agricultural organizations;
- 11 ~~S.]~~ the association of commerce and industry of New Mexico;
- 12 ~~T.]~~ the New Mexico home builders association;
- 13 ~~U.]~~ M. the New Mexico automotive dealers [~~association~~] or motor carriers'
- 14 associations;
- 15 ~~[V.]~~ N. local keep America beautiful system programs;
- 16 ~~[W.]~~ the New Mexico motor carriers' association;
- 17 ~~[X.]~~ O. the New Mexico restaurant association, incorporated; and
- 18 ~~[Y.]~~ P. recycle New Mexico, incorporated.

19 In addition, the secretaries of energy, minerals and natural resources, tourism, highway and
20 transportation and environment and the chief of the New Mexico state police division of the
21 department of public safety [~~department and the director of the environmental improvement~~
22 ~~division of the health and environment department~~], or their designees, shall serve. The
23 appointed members shall serve terms of two years, provided that one-half of the original
24 appointees shall serve one-year terms. The council shall include representatives from the
25 public and private sectors who have a direct interest in implementing the purposes of the Litter
Control and Beautification Act. The council shall meet at least quarterly to conduct its
business. The council shall select from its members a seven-person executive committee.

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1 Notwithstanding the provisions of the Per Diem and Mileage Act, the public members of the
2 council and the executive committee shall not receive any compensation or reimbursement in
3 connection with their duties."

4 Section 3. Section 67-16-7 NMSA 1978 (being Laws 1989, Chapter 10, Section 4) is
5 amended to read:

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

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

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

15 C. investigate and report on the feasibility, appropriateness and cost of a
16 statewide photometric index or other technique for the evaluation of highway litter."

17 Section 4. Section 67-16-12 NMSA 1978 (being Laws 1985, Chapter 23, Section 12,
18 as amended) is amended to read:

19 "67-16-12. FURTHER DUTIES OF DEPARTMENT.--

20 A. The department shall:

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

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

25 (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

1 programs and available markets for recycled materials;

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

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

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

10 B. The department shall also allocate funds generated by the Litter Control
11 and Beautification Act according to the following formula:

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

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

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

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

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

24 (3) no more than fifty percent of the fees received in a year to local
25 governments to establish and help continue local keep America beautiful system programs;
provided, however, that sixty percent of this allocation shall be spent on litter-waste control
projects;

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(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; provided, however, that sixty percent of this allocation shall be spent on litter-waste control 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]~~

(5) no more than ten percent of fees received in a year to the department for the adopt-a-highway program.

For purposes of this section "adopt-a-highway program" means a liter-control program that coordinates litter cleanup along highways."

State of New Mexico
House of Representatives

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

Your **CONSUMER AND PUBLIC AFFAIRS COMMITTEE**, to
whom has been referred

HOUSE BILL 637

has had it under consideration and reports same with recommendation that it **DO PASS**,
and thence referred to the **APPROPRIATIONS AND FINANCE**
COMMITTEE.

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Respectfully submitted,

Gary K. King, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: King

Excused: Abeyta, Baca, Sandel, Vigil

Absent: None

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 11, 1996

Mr. Speaker:

Your **APPROPRIATIONS AND FINANCE COMMITTEE**, to
whom has been referred

HOUSE BILL 637

has had it under consideration and reports same with recommendation that it **DO
PASS**, amended as follows:

1. On page 3, lines 9 through 25, and on page 4, lines 1 through 15, strike the brackets,
line-through and underscored language.

Respectfully submitted,

Max Coll, Chairman

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 16 For 0 Against

Yes: 16

Excused: Gentry, Martinez

Absent: None

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~~[bracketed material] = delete~~