

# NM Recycling Policy Summary 2004-2015

Prepared by the NM Recycling Coalition

You may also check out the NM Legislature website at <http://nmlegis.gov/lcs/default.aspx> to reference the bills using the Bill Finder, searching by year of session and then the bill number.

## 2015 NM Legislative Session

Bill	Bill Title	Sponsor	NMRC Position	Bill Status	Notes
<a href="#">HJR5</a>	Motor Vehicle Money for Roads	Rep. Bobby Gonzales	NMRC opposes as written, requested amendment to remove cap. Support if amended. [Amendment not given]	Did not pass	Places cap on ability to increase fees in future on motor-vehicle-related fees/registration used for "other current purposes in law", to include Recycling and Illegal Dumping and Litter and Beautification grant/program funds. If passed, this legislation would then be taken to NM voters to be adopted as a constitutional amendment.
<a href="#">SJR3</a>	Limit Car-Related Fees & Taxes for Roads	Sen. Lee Cotter	NMRC opposes as written, requested amendment to remove cap. Support if amended. [Amendment not given]	Did not pass	Places cap on ability to increase fees in future on motor-vehicle-related fees/registration used for "other current purposes in law", to include Recycling and Illegal Dumping and Litter and Beautification grant/program funds. If passed, this legislation would then be taken to NM voters to be adopted as a constitutional amendment.
<a href="#">HB299</a>	Public Private Partnerships Act	Rep. Larry Larranaga	Requested amendment to provide for more expansive definition of recycling and solid waste facilities and services. If amendment included, NMRC would support the amendment and concept of Public Private Partnerships.	Did not pass	This bill included a section on public project definitions that touched on recycling and solid waste facilities. NMRC requested amendment to ensure expansive language.
<a href="#">SB21</a>	Collection & Disposal of Unused Drugs	Sen. Michael Padilla	Provided Letter of Support	Did not pass	Updates pharmacy oversight language to allow pharmacies to take back unused prescription drugs
<a href="#">SB160</a>	Implement Local Economic Development Act	Sen. Mary Kay Papen	Provided Letter of Support	Did not pass	Provides \$50 million to LEDA projects. Complement bills of HB312 and SB593 did not pass either.

## 2014 NM Legislative Session

- **Municipal Waste Recycling**, HM51/SM64, Rep Jeff Steinborn/Sen Michael Sanchez – Passed
  - Requests Department of Environment to convene a study group to examine strategies to increase recycling and capacity to meet targets in the NM Solid Waste Management Act. NMRC supported bill.
- **Donation of Excess School Meals Work Group**, HM7, Rep David Gallegos – Did Not Pass
  - NMRC supported bill
- **Land Grant Waste Removal**, SB86, Sen Richard Martinez – Did Not Pass
  - NMRC supported bill

## 2013 NM Legislative Session

- **Study Product Stewardship**, HM56, Rep Jeff Steinborn – Passed
  - Requests the Department of Environment to convene a task force to examine benefits of product stewardship and make recommendations.
- **Product Manufacture Reinvestment Tax Credit** SB236: Sen. John Sapien – Did Not Pass
  - This bill represents a new manufacturing consumption tax credit aimed at the purchase of property/goods that will be incorporated into or consumed in the manufacture of a product. The bill specifically identifies the use of recyclable materials as an acceptable input to this tax credit. The tax credit would be accessible for larger manufacturers. NMRC supports this bill and concept.
- **New Business Tax Credit and Assessment** SB 293: Sen. Michael Padilla – Did Not Pass
  - The bill provides a new tax credit for new commercial activity starting this year through 2021. It encourages new business development and thus job creation. NMRC supports this bill and concept.

### Other Recycling and Solid Waste Bills:

- Light Bulb Mercury Exposure Dangers, HB149, Rep Thomas Anderson – Did Not Pass
- Food Residual Recycling and Agency Report Cards, HB551, Rep Moe Maestas – Did Not Pass
- Fertilizer Act Terms and Penalties, SB268, Sen Pat Woods - Passed

## 2012 NM Legislative Session

- **Capital Investments Tax Credit** SB15: Sen. Tim Keller and Rep. David Doyle – Did Not Pass
  - The act expanded provisions of the existing Manufacturer Investments Tax Credit so that other businesses may receive the tax credit for capital equipment purchases that generate new jobs. NMRC supported this bill. Senator Keller advised that the bill needs more work and will be brought back in 2013 session.

## 2011 NM Legislative Session

- **Transfers Funds From Other Accounts to General Fund** HB91: Rep. Lucky Varela. Did Not Pass
  - This bill takes \$349,000 from the Recycling and Illegal Dumping Fund and transfers it immediately upon passage into the General Fund. This would leave many communities with current RAID projects unable to complete. NMRC currently opposes this segment of the bill.
- **In-State Business Procurement Advantage** SB19: Sen. Tim Keller – Vetoed, but Passed in Special Session
  - The act generally targets cleaning up in and out of state company preferences, but it initially struck the state procurement code allowing for a recycled-content preference. NMRC has worked with Sen. Keller in order to define recycled-content as 25% and greater and to keep a 5% preference. NMRC is in support of the bill with the language added back in.
- **Beverage Container Act** HB238 Rep. Thomas Garcia – Did Not Pass
  - The act imposes a \$.05 refundable deposit on outlined beverage containers, outlines a redemption center program, and use for the un-collected deposits. NMRC currently opposes the legislation as written, asking for consideration of the following items:

- Include curbside and drop-off programs with ability to collect value from containers. Currently bill would simply pull these containers out of these programs, decreasing a revenue stream for the operating agent.
  - Clarify NM Environment Department's role in program administration and ensure it is not an unfunded mandate on the department to administer program
  - Address inter-state illegal redemption issues.
  - Ensure redemption centers are convenient and cost effective in their placement around the state.
  - Lack of clarity on how unredeemed deposits will be handled.
  - Recommend looking at Hawaii's version of bill as a modern-day example.
- **Recycle Plans In School Districts** HB268 Rep. Moe Maestas – Vetoed
  - The act asks for all New Mexico schools to voluntarily create a recycling plan and to use any funds generated from recycling to be used for fine arts programs. NMRC supports this bill. NMRC is working with Rep. Maestas and NM Clean & Beautiful to bring recycling information directly into the schools.
- **Procurement Code Procedures for Certain Leases** HB309 Rep David Chavez – Did Not Pass
  - The act generally targets other state procurement issues, but it strikes the procurement code allowing for a recycled-content preference. NMRC is in support of the bill with the recycled-content amendment.
- **Veteran's Procurement Preference** HB598 Rep Don Tripp – Did Not Pass
  - The act adds a new preference for veteran-owned businesses, but it originally struck the existing procurement code allowing for a recycled-content preference. NMRC is in support of the bill with the recycled-content preference amendment made in the first committee.

2011 Special Session:

- **In-State Business Procurement Advantage** SB1: Sen. Tim Keller (Special Session 2011 – Passed)
  - The act generally targets cleaning up in and out of state company preferences. There is language in this act that defines recycled-content as 25% and greater and maintains a 5% preference. NMRC supported this bill.

## 2010 NM Legislative Session

- **Disposable Carry-Out Bag Tax Act** HB133: Rep. Karen Giannini – Did Not Pass
  - The act imposes a \$.05 fee on disposable carry-out bags, including plastic and kraft paper bags. Funds generated would benefit public schools, NM youth conservation corps and NM Environment Department. NMRC supports this bill.
- **Sustainable Schools** SB84: Sen. Cisco McSorley – Did Not Pass
  - Requires that all new schools set aside funds in order to put into place a variety of optional sustainability practices, one of which is to place recycling receptacles. NMRC is taking a neutral position on this bill.
- **Plastic Bag Recycling Act** HB59: Rep. Karen Giannini – Did Not Pass
  - Requires all stores larger than 7,000 sq ft with 3+ stores in NM to have a plastic bag receptacle in a visible location. Also places enforcement requirements and penalties. NMRC is taking a neutral position on this bill.
- **Environmental Gross Receipts Tax Increase** HB42: Rep. Rudy Martinez – Did Not Pass
  - This bill would increase the current 1/16% optional Environmental Gross Receipts Tax that a municipality can levy for solid waste, water, waste water, sewer and related systems, bringing it up to ½%. NMRC is taking a neutral position on this bill.
- **Safe Paint Stewardship Act** HB135: Rep. Karen Giannini – Did Not Pass
  - The bill creates a pilot paint reduce, reuse & recycling program hosted by NMED that assesses a fee on paint manufacturers to fund. NMRC is taking a neutral position on this bill.

## 2009 NM Legislative Session

- **Recycling Development Act** HM 548 – Did Not Pass
  - This bill, sponsored by Representative Jeff Steinborn, uses a solid waste tip fee as a funding mechanism to support a large-scale recycling grant program, recycling funds sent directly back to communities, recycling technical assistance, end-market assistance, and a statewide public education campaign. The fee is \$.60/ton phased in over two years and would generate \$2.2 million. NMRC supported.
- **State Agency Recycling Annual Reporting SB2** – Did Not Pass
  - This bill, sponsored by Senator Michael Sanchez, reinforces the requirement that state agencies and the legislature have recycling programs in place, adds materials to be recycled and shifts the reporting requirement to the General Services Division. NMRC supported.
- **Study Rubberized Asphalt** HM6 – Passed
  - This bill, sponsored by Representative Jeff Steinborn, requests the New Mexico Department of Transportation to convene a task force to evaluate the short and long-term costs and savings to use rubberized asphalt on state roads, as well as calculate environmental benefits. NMRC supported.
- **County and Municipal Recycling Programs** (formerly Beverage Container Recycling Act) SB1 – Did Not Pass
  - This bill, sponsored by Senator Michael Sanchez, was initially crafted as a bottle bill with a \$.10 deposit on most beverage containers. Before the first committee hearing, a substitute bill was submitted in its place. This new substitute bill requires all counties and cities to have recycling in place by December 31, 2009, registering with the environmental improvement board. The bill includes approximately \$600,000 in grant monies for recycling. Twenty-five percent of the Litter Control & Beautification Funds (New Mexico Clean & Beautiful, Tourism Department) would be earmarked for recycling and 75% of the Recycling and Illegal Dumping Act funds would go directly to recycling and illegal dumping (leaving 25% for tire recycling projects).
- **Green Jobs Bonding Act** HB622 – Did Not Pass
  - This bill, sponsored by Speaker of the House Ben Lujan, creates a fund allocated to creating new green jobs training programs. Recycled-content manufacturing, recycling, composting and construction and demolition re-use projects are identified as green job industries. NMRC supported.
- **Severance Tax Investment in Green Industries** SB420 – Did Not Pass
  - This bill, sponsored by Senator Eric Griego, allocates a portion of the state severance tax fund to be used to invest in green industry development. Recycled-content manufacturing, recycling, composting and construction and demolition re-use projects are identified as green job industries. NMRC supported.
- **Development Training Funds for Green Jobs SB318** – Passed
  - This bill, sponsored by Senator Eric Griego, allocates a portion of the state severance tax fund to be used to invest in green industry development. Recycled-content manufacturing, recycling, composting and construction and demolition re-use projects are identified as green job industries. NMRC supported.

### Other Recycling and Solid Waste Bills:

- SM60: Maximize Use of Biodegradable Wood Chips – Passed
- SB643: Solid Waste Act Permit Fees
- HB824: Solid Waste Act Permit Fees
- HB636: Car Registration Surcharge & Distribution
- HB281: South Valley Bicycle Recycling Program
- HB402: Albuquerque Community Bicycle Program
- HB337: Water and Sanitation District Revenue and Info

## 2008 NM Legislative Session

- **Support Community Recycling Efforts HJM19** – Did Not Pass
  - This is a memorial brought in by NMRC and is sponsored by Rep. Joni Marie Gutierrez from Las Cruces. It asks the NM Environment Department to work with NMRC to develop funding mechanisms to support local recycling programs with significant grants and technical support. It also asks NM Economic Development, NM Tax & Revenue and the Office of the Governor to work with NMRC to develop business incentives for recycled-content manufacturers and recycling processors. NMED, Conservation Voters NM, Dairy Producers of NM and Dell have stood up to support in committee. NM SWANA and UNM Wild Friends have expressed support for the bill as well.

- **State Electronics Procurement and Recycling SJM11 – Passed**
  - This memorial is sponsored by Sen. Dede Feldman of Albuquerque. Sen Feldman has been a champion of both recycling and e-waste issues. The memorial is brought in with support from NMRC, NMED, NM Conservation Voters, Dell, NM SWANA, General Services Division and the NM E-waste Stakeholders group. The bill directs NMED to host a new stakeholder group to develop environmentally-preferable electronics purchasing and disposal guidelines for the state purchasing department to use for all state agencies.
- **Expand State Capital Recycling SJM20 – Passed**
  - This memorial is sponsored by Sen. Michael Sanchez from Belen and is brought in by the UNM Wild Friends program. This is a youth program of students age 10-18 that select a bill topic each year. This year they wanted to tie in recycling as a way to conserve our wild life. The memorial asks for the state capitol to set-up a full-fledged recycling program and to lead by example. NMRC supported.

#### Other Recycling and Solid Waste Related Bills

- NMFA Economic Development Fund Projects HB 245 Rep Daniel Silva - Passed
  - Loan funds available to many projects around the state, one of which is for a "Recycling and Manufacturing Plant in McKinley County".
- General Appropriations Act SB78 and HB7
  - Includes line item #50 for \$3 million for the Solid Waste Facility Grant Fund
- Community Bicycle Donation and Repair Program HB329 - Rep. Miguel Garcia – Did Not Pass
- Sale of Recycled Metals Act SB281- Sen. Phil Griego – Passed
- Resource and Energy Efficient Buildings SB403 Sen. Pete Campos – Did Not Pass

#### **2007 NM Legislative Session**

- **Local Recycling and Waste Collection Assistance HB84/SB193 – Did Not Pass**
  - HB84/SB 193, sponsor by Rep. Jeanette Wallace and Senator Dede Feldman respectively. The act requests a \$1 million general fund recurring appropriation starting in fiscal year 2008 to provide grant dollars to local communities for electronic waste and household hazardous waste collection events. NMRC supported.
- **Phone Directory and Unsolicited Mail Delivery HB700 – Rep Peter Wirth – Did Not Pass**
  - This bill is targeting source reduction and allowing for households to opt-out of receiving unsolicited phone book delivery to their home or business. NMRC has not taken a position on this bill, but is tracking it.
- **Consumer Information Technology Recycling Act SB1184 Sen Mary Jane Garcia – Did Not Pass**
  - This bill requests computer manufacturers to be responsible for the collection and proper recycling of end-of-life equipment of their products.
- **Sustainable Building Tax Credits HB534 Rep Peter Wirth - Passed**
  - This bill provides tax incentives for commercial and residential buildings to receive green building certification. Once certified the builder is able to receive tax credits. NMRC supports this bill because the green building accreditation process encourages jobsite recycling, material reuse and recycled-content products, as well as requires planning for where recyclables will be collected once the building is in operation. Complementary bill SB543 (Sen Dede Feldman).
- **Requesting the Creation of a Coalition for a Clean NM to Combat Illegal Dumping Throughout the State, HJM6, Representative Don Tripp – Did Not Pass**
- **Making an Appropriation to the Department of Environment to Pay for Expenses of a Task Force on Illegal Dumping, HB180/SB939, Rep. Don Tripp/Sen Dede Feldman – Did Not Pass**
  - Asks for a one-time \$100,000 general fund appropriation, NMRC supported.
- **Solid Waste Facility Grant Fund, HB440, Rep Jose Campos – Did Not Pass**
  - This bill requests a refresh of the Solid Waste Facility in the amount of \$5 million to support smaller communities come into compliance with the Solid Waste regulations with infrastructure to close small landfills, update transfer stations and build recycling centers.
- **NM as Energy Conservation Leader, HM64 which then became HJM12, Rep Mimi Stewart – Did Not Pass**
  - The memorial includes a couple paragraphs on recycling: "Whereas, New Mexicans should be encouraged to conserve resources and recycle paper, cardboard, plastic, glass and aluminum to help reduce waste;" and another statement "Be it further resolved that the state recommend that all NM

schools recycle paper, cardboard, plastic, aluminum and glass and participate in the programs known as “energy schools teaching about resource savings”.

#### Other Bills Relating to Recycling and Solid Waste:

- Penalties for Used Oil Violations [SB266 - Senator Phil Griego](#) - Passed
- Create Surplus Property Bureau [SB313 - Senator Phil Griego](#) - Passed
- Study Uses for Dairy Biomass [SJM57 - Senator Mary Kay Papen](#) - Passed
- Water and Sanitation District Authority [HB1032 - Rep. Gonzales](#) - Passed
- Prescription Medication Donations [HB 46 - Rep. John Heaton](#) – Did Not Pass
- Sale of Salvage Vehicles to Recyclers [SB 933 - Sen. James Taylor](#) – Did Not Pass

### NM 2006 Legislature

- Electronic Waste Recycling Pilot Program SB388, Sen Dede Feldman, Did Not Pass
  - Senator Feldman created this bill to provide funding to conduct a voluntary electronic waste recycling program.
- **Support E-Waste Collection and Recycling** SM14, Sen Dede Feldman, Did Not Pass
  - This memorial was proposed in conjunction with the SB388 funding request to support e-waste collection and recycling around the state.
- **Solid Waste Facility Grant Fund** HB286, Rep Jose Campos – Did Not Pass
  - This bill requests a refresh of the Solid Waste Facility in the amount of \$5 million to support smaller communities come into compliance with the Solid Waste regulations with infrastructure to close small landfills, update transfer stations and build recycling centers.

Special Note: Recycling Equipment Tax Credit considered for introduction, but interim committee did not provide strong enough feedback to bring into session

### NM 2005 Legislature

The New Mexico Recycling Coalition has worked with the New Mexico Environment Department over the past year to create the [Strategic Plan to Transform the Economics of Recycling in New Mexico](#). As a result of the Plan, two pieces of legislation have been developed and introduced into the House and Senate.

- **Recycling and Illegal Dumping Act** – Passed
  - HB269/SB142, sponsored by Rep. Jeanette Wallace and Senator Dede Feldman respectively, is the [Recycling and Illegal Dumping Act](#), which repeals and replaces the Tire Recycling Act; reallocates existing grant funds from tire recycling fund to broader recycling and illegal dumping abatement goals; increases tracking of scrap tire generation and hauling to reduce illegal tire dumps; and creates the Recycling Alliance, a state level advisory board with representatives from state, local and tribal governments, industry and non-profit organizations that will generate the State Recycling Plan to increase recycling in New Mexico and advise on grant funding. NMRC supported.
- **Recycling Equipment Tax Credit** – Did Not Pass
  - HB247/SB715, sponsored by Representative Rhonda King and Senator Phil Griego respectively, is a Recycling Equipment Tax Credit, enabling businesses to receive a 10% tax credit on gross receipts tax (GRT), compensating or withholding tax when they purchase recycling-related equipment. The intent of this bill is to attract and expand businesses that process recyclables, manufacture products from recycled materials and increase the number of businesses that recycle. Failed by not being heard on final floor. NMRC supported.
- **Study Electronic Waste**, SJM9, Sen Dede Feldman - Passed
  - Senator Feldman created and passed this memorial that requested the New Mexico Environment Department to look at and evaluate the status of electronic waste, its problems and to recommend a plan for proper disposal.
- **Solid Waste Facility Grant Fund**, HB1046 – Did Not Pass



## NM 2004 Legislature

- **Develop NM Recycling Plan**, HJM5/SJM6, Sen Dede Feldman and Rep Jeanette Wallace – Passed
  - The NMRC in conjunction with the New Mexico Environment Department: Solid Waste Bureau and the Department of Economic Development submitted Memorials to the House and Senate to develop a Strategic Plan for Transforming the Economics of Recycling in New Mexico.
  - The Memorials (SJM6 and HJM5), passed February 17, 2004, and are a follow-up to the [Transforming the Economics of Recycling Workshop that the NMRC hosted in 2003](#). The proposed plan will identify opportunities to:
    - Create new markets that do not currently exist in New Mexico and transform existing waste streams into revenue generating commodities;
    - Access both human resources and state of the art research capabilities to develop both low and high-tech jobs for rendering waste into valuable resources;
    - Attract and increase investment in the manufacturing sector;
    - Expand community-based industries such as family owned timber mills, and construction and demolition recovery operations, local manufacture of recycled products, soil remediation, water conservation and landscaping using recycled products to name a few; and
    - Realize the true value of waste commodities; and cultivate new employment options.