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1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 2

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the comprehensive recycling and
7 reduction of litter; and providing for an effective
8 date."

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10

* Section 1. LEGISLATIVE INTENT. (a) It is the intent of the legisla-
11 ture to maintain the natural environment of the state as nearly litter free
12 as possible so that our cities, boroughs, rural regions, highways, roads, and
13 recreational areas can be viewed and enjoyed by both present and future
14 citizens and visitors in their finest scenic state, unblemished by objects of
15 litter.

16

(b) It is the belief of the legislature that this can be accomplished
17 by a strong and well-balanced program of litter prevention, accompanied by
18 programs of public awareness designed to make littering an unacceptable
19 practice in the minds of all citizens and visitors -- a program of public
20 education with emphasis on younger people who are the future of the state,
21 and the application of reasonable but firm programs of law enforcement under
22 AS 46.03 directed at those who choose to litter. It is the belief of the
23 legislature that the official encouragement and stimulation of private and
24 public recycling efforts, through recycling centers and other means, will
25 result in the recovery and reuse of major quantities of basic materials with
26 accompanying significant conservation and savings of energy.

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(c) It is the intent of the legislature that appropriations made to
28 finance the programs created under AS 41.21 enacted in sec. 2 of this Act
29 should be spent to encourage local solutions for the prevention of littering

1 and that not more than 35 per cent of the funds appropriated be for clerical
2 support, travel by state employees, and other expenses of the Department of
3 Community and Regional Affairs which do not increase the assistance given to
4 local public and private organizations.

5 (d) It is the belief of the legislature that the people of Alaska
6 should have available to them the finest possible system of laws designed to
7 prevent litter and to encourage recycling and that, in the interest of ac-
8 complishing this, this Act shall be considered to be the official primary
9 litter control Act of the state. The legislature retains the right to amend
10 the authority granted in this Act or to repeal this Act if, after a reason-
11 able period of time, it is shown that the goals and objectives envisioned are
12 not being achieved.

13 * Sec. 2. AS 41 is amended by adding a new chapter to read:

14 CHAPTER 21. RECYCLING AND REDUCTION OF LITTER.

15 Sec. 41.21.010. POWERS OF THE DEPARTMENT. The department shall

16 (1) serve as the coordinating agency between the various
17 government and private organizations in the state which are involved in
18 litter control and reduction, source separation and recycling;

19 (2) assist local governments in the adoption and revision of
20 ordinances aimed at litter control and reduction;

21 (3) encourage, organize and coordinate voluntary local in-
22 formation campaigns seeking to focus the attention of the public on
23 reduction of litter and voluntary recycling;

24 (4) encourage, organize and coordinate voluntary local source
25 separation and recycling programs;

26 (5) encourage all state and local agencies to cooperate with
27 and aid source separation and recycling programs; this cooperation shall
28 include providing publicity which encourages recycling, and allowing the
29 use of publicly owned land, buildings, or equipment for recycling

1 efforts whenever possible;

2 (6) investigate the availability of, apply for, receive, and
3 expend grants, loans or other funds available from any private or public
4 source, and, where it is considered appropriate and feasible, accept
5 nonmonetary funding in the form of services or equipment for use in
6 programs established under this chapter; and

7 (7) adopt regulations under the Administrative Procedure Act
8 (AS 44.62) necessary to accomplish the purposes of this chapter.

9 Sec. 41.21.020. ANNUAL REPORTS. Not later than six months after
10 the end of each fiscal year, the department shall prepare a detailed
11 report describing and evaluating the actions taken and programs estab-
12 lished under this chapter for submission to the governor and the legis-
13 lature. This report shall include, but need not be limited to, the
14 status and results of all grants made under this chapter, an evaluation
15 of the progress achieved by litter control and reduction programs, and
16 an evaluation of the conservation of nonrenewable resources and corres-
17 ponding energy value achieved by source separation and recycling pro-
18 grams in the state whether or not those programs are established under
19 this chapter.

20 Sec. 41.21.030. ADVISORY COUNCIL. (a) There is created an advi-
21 sory council to the department, which shall have responsibility for
22 advising the department concerning the litter control and reduction,
23 source separation and recycling programs under this chapter. The coun-
24 cil may encourage the participation of industry, labor, local government
25 units and agencies and the public in the programs administered by the
26 department.

27 (b) The council shall consist of seven members. Five members
28 shall be representatives of the businesses subject to the business
29 license fee established under AS 43.70 and two members shall be resi-

1 dents of the state who are not representatives of the businesses subject
2 to the business license fee established under AS 43.70. All members
3 shall be aware of and concerned with achieving the goals of this chapter.

4 (c) The members shall be appointed by the governor and shall serve
5 two-year terms. Each member shall hold office from the date of ap-
6 pointment until the end of the term for which the appointment is made.
7 A member appointed to fill a vacancy occurring before the expiration of
8 a full term shall hold office for the remainder of the term. A member
9 shall continue in office after the expiration date of his term or notice
10 of resignation until a successor takes office. A vacancy in the member-
11 ship shall be filled by appointment within 60 days after the vacancy
12 occurs.

13 (d) The council shall meet semiannually, and may meet more fre-
14 quently if necessary or desired. The members receive no compensation
15 for their services, but they are entitled to per diem and travel expen-
16 ses authorized by law for boards and commissions.

17 Sec. 41.21.040. PUBLIC AWARENESS; MOTIVATION. The department
18 shall establish, provide advice concerning, and coordinate programs
19 designed to

20 (1) educate the public and increase awareness of the need for
21 a litterless ethic in the state;

22 (2) utilize existing, and develop new, techniques and pro-
23 grams aimed at reducing litter and littering;

24 (3) instill in the public the desire to live in an environ-
25 ment free from litter;

26 (4) motivate the public not to litter and to engage in clean-
27 up efforts;

28 (5) advise the public of the state's anti-litter laws and
29 regulations and encourage enforcement of those laws and regulations.

1 Sec. 41.21.050. LITTER RECEPTACLES. (a) The department shall
2 make available for distribution throughout the state an anti-litter
3 symbol of a uniform color and design adopted by the department. This
4 anti-litter symbol must bear a statement of the penalties for littering,
5 and the department shall design the anti-litter symbol so that it may be
6 attached to litter receptacles. To aid public recognition and use of
7 litter receptacles, the department may emulate the anti-litter symbols
8 used in other states. The anti-litter symbol designed by the department
9 shall be attached to litter receptacles located in the public places of
10 the state.

11 (b) Litter receptacles shall be placed along the public highways
12 and business district sidewalks of this state and at all parks, camp-
13 grounds, drive-in restaurants, gasoline service stations, tavern parking
14 lots, shopping centers, grocery store parking lots, parking lots of
15 major industrial firms, marinas, boat launching areas, boat moorage and
16 fueling stations, public and private piers, beaches, bathing areas, and
17 all other public places in the state unless specifically exempted by
18 regulations adopted by the commissioner under the Administrative Proce-
19 dure Act (AS 44.62). The number of receptacles required to be placed
20 under this section shall be determined by a formula related to the need
21 for those receptacles. The requirement of this subsection may be met by
22 the use of litter receptacles in use before July 1, 1979, and which
23 adequately serve the purpose intended for those receptacles, except
24 their continued use shall be conditioned upon placement of the anti-
25 litter symbol upon those receptacles.

26 (c) It is the responsibility of a person owning or operating any
27 public place at which litter receptacles are required under (b) of this
28 section to place the anti-litter symbol of the state on those recep-
29 tacles.

1 (d) Compliance with this section includes proper upkeep, mainte-
2 nance and repair of litter receptacles sufficient to permit those re-
3 ceptacles to serve the functions for which they were designed and to
4 prevent those receptacles from becoming unsightly.

5 (e) Responsibility for the removal of litter from litter recep-
6 tacles placed at publicly owned places remains with the public agencies
7 performing litter removal. Removal of litter from litter receptacles
8 placed on private property which is used by the public remains the
9 responsibility of the owner of that private property.

10 (f) A person may not damage, deface, abuse or misuse a litter re-
11 ceptacle not owned by him so as to interfere with its proper function or
12 to detract from its proper appearance.

13 (g) A person may not deposit leaves, clippings, prunings, garden
14 refuse or household waste materials in a litter receptacle, except with
15 the permission of the owner of that receptacle.

16 (h) Except as provided in (i) of this section, a person who vio-
17 lates the provisions of (b) - (g) of this section is punishable by a
18 civil fine of \$10. Each day of continued violation constitutes a
19 separate violation and is punishable by a civil fine of \$10. Punishment
20 under this section may only be initiated by civil complaint or citation.
21 The court may establish procedures for payment of fines by mail.

22 (i) If a municipality of the state adopts an ordinance which pro-
23 hibits the same conduct prohibited by (b) - (g) of this section, a
24 violation of (b) - (g) of this section which occurs in the municipality
25 is punishable under the provisions of the municipal ordinance if the
26 punishment imposed under the ordinance is equal to or greater than the
27 civil fine imposed by (h) of this section.

28 Sec. 41.21.060. LITTER BAGS. The department shall design and pro-
29 duce or have produced a litter bag bearing the state anti-litter symbol

1 or logo and a statement of the penalties for littering in the state.
2 The department shall make available to the division of motor vehicle in
3 the Department of Public Safety a sufficient quantity of these litter
4 bags so that each person upon renewing his motor vehicle registration
5 may be given one along with his license plates. The division of motor
6 vehicles shall distribute one litter bag for each set of license plates
7 issued and notify the person of his responsibilities under the law. The
8 department shall make litter bags available to all watercraft owners and
9 persons entering the state by automobile. The commissioner shall designate
10 distribution points for the broadest possible distribution of
11 litter bags to persons entering the state by automobile or watercraft.

12 Sec. 41.21.070. LITTER PATROL. The department may adopt regulations
13 which establish a youth litter patrol program for the employment
14 of youths on a seasonal basis. In designing the program, the department
15 shall cooperate with federal, state or local programs that either employ
16 youths or encourage their employment.

17 Sec. 41.21.080. PROHIBITED ACTS. (a) A person may not throw,
18 drop, deposit, discard, or otherwise dispose of litter, whether from a
19 vehicle or otherwise, on public or private property in the state or in
20 waters in the state or under state jurisdiction except

21 (1) when the property is designated by an agency or political
22 subdivision of the state as property to be used for the disposal of
23 garbage or refuse, and the person is authorized to use the property for
24 that purpose; or

25 (2) when litter is placed into a litter receptacle so that
26 the litter is prevented from being carried away or deposited by the
27 elements upon public or private property or waters in the state or under
28 state jurisdiction.

29 (b) No vehicle may be driven or moved on a public highway or

1 right-of-way unless it is constructed, loaded or covered to prevent its
2 load from dropping, sifting, leaking or otherwise escaping from the
3 vehicle. This subsection does not apply to a vehicle (1) which is being
4 used to deposit salt or sand for the purpose of securing traction, (2)
5 used by a public agency to clean or maintain highways, or (3) used to
6 transport agricultural, mining or timber products. A person who oper-
7 ates a vehicle from which an object has fallen or escaped which would
8 constitute an obstruction, hazard or otherwise endanger travel upon a
9 public highway or right-of-way shall immediately remove that obstruction
10 at his own expense or pay the cost of removal incurred by the state or
11 by a person.

12 (c) A person who violates a provision of this section is punish-
13 able by a civil fine of not less than \$25 nor more than \$2,000.
14 Punishment under this section may only be initiated by civil complaint
15 or citation. The court may establish procedures for payment of fines by
16 mail. In addition to the imposition of a civil fine, the court may
17 order a person who violates this section to gather and dispose of litter
18 in an area and for a length of time designated by the court.

19 Sec. 41.21.090. NOTICE TO PUBLIC. The penalties which may be
20 levied for littering in this state shall be posted along the public
21 highways of the state, at visitor centers, at entrances to state parks
22 and recreational areas, at public beaches, and other public places the
23 commissioner determines necessary to accomplish the purposes of this
24 chapter.

25 Sec. 41.21.100. ENFORCEMENT AUTHORITY. The following persons are
26 authorized to enforce the provisions of this chapter

- 27 (1) a state employee authorized by the commissioner of the
28 Department of Environmental Conservation; and
29 (2) a peace officer.

1 Sec. 41.21.110. GRANTS. (a) The department shall award grants to
2 state and local government units and agencies and private organizations
3 for the establishment and operation of programs authorized under this
4 chapter. Programs qualifying for a grant under this section may in-
5 clude

6 (1) courses of instruction at, or the distribution of infor-
7 mative materials to, elementary and secondary schools;

8 (2) the purchase and erection of roadside signs;

9 (3) the organization and operation of clean-up drives con-
10 ducted by local agencies, private organizations or service groups using
11 volunteer help;

12 (4) any other public information method selected by the
13 department, including the use of electronic media;

14 (5) the expansion of existing and the creation of new source
15 separation programs;

16 (6) the expansion of existing and the creation of new com-
17 munity recycling centers;

18 (7) the research and evaluation of in-state or out-of-state
19 markets for the materials and products to be recovered in source sepa-
20 ration and recycling programs;

21 (8) advice and assistance, including information and con-
22 sultation on available technology, operating procedures, organizational
23 arrangements, markets for recycled materials, transportation alterna-
24 tives, and publicity techniques;

25 (9) research programs and projects for the planning and de-
26 sign of resource recovery facilities, other than recycling centers;

27 (10) surveys conducted by public agencies or recognized re-
28 search organizations to assess the amount and composition of litter,
29 rates of littering, and amounts and composition of solid waste;

- 1 (11) the purchase of litter receptacles; and
2 (12) the creation or expansion of litter law enforcement
3 programs.

4 Sec. 41.21.120. CONDITIONS FOR GRANTS. (a) Grants shall be for
5 one year only.

6 (b) The department shall require periodic reports to be filed by
7 grant recipients to enable the department to review and follow up on
8 actions taken by grant recipients to ensure that the purposes of this
9 chapter are being achieved.

10 (c) Grant recipients shall use funds only to supplement and not to
11 replace existing programs or expenditures.

12 (d) The department shall adopt regulations which establish guide-
13 lines for the determination of eligibility of public and private
14 agencies and persons to receive funds and the determination of qualifi-
15 cation and suitability of plans submitted by those agencies or persons
16 consistent with the purposes of this chapter.

17 (e) To the extent applicable, the department shall consider the
18 following criteria in determining which applicants shall receive a grant
19 and the amount of the grant:

20 (1) the likelihood that a program or project will further the
21 purposes of this chapter;

22 (2) the likelihood that a program or project will become
23 economically self-sufficient at a future time;

24 (3) the likelihood that the grant will create or cause to be
25 created a maximum number of new jobs;

26 (4) the distribution of the available grant funds to programs
27 which have moderate needs in order to be successful rather than to a few
28 programs or projects which have expensive financial requirements; and

29 (5) the likelihood that the applicants will be able to co-

1 ordinate their efforts with others.

2 Sec. 41.21.130. FEDERAL REQUIREMENTS. If a federal department or
3 agency issues a formal ruling that a section of this chapter will pre-
4 vent the state from receiving federal financial participation in any
5 program or activity established under this chapter, the section will not
6 apply to the extent that it causes the program or activity to lose
7 federal funding.

8 Sec. 41.21.140. DEFINITIONS. In this chapter,

9 (1) "commissioner" means the commissioner of community and
10 regional affairs;

11 (2) "department" means the Department of Community and Re-
12 gional Affairs;

13 (3) "litter" means all waste materials susceptible to being
14 dropped, deposited, discarded or otherwise disposed of upon property in
15 the state; "litter" does not include the waste of the primary processes
16 of mining or other extraction process, logging, sawmilling, farming or
17 manufacturing;

18 (4) "litter bag" means a bag, sack or other container made of
19 any material which is large enough and suitable to serve as a receptacle
20 for litter inside a vehicle or watercraft;

21 (5) "person" means any political subdivision, government
22 agency, municipality, industry, public or private corporation, partner-
23 ship, association, firm, individual, or other entity;

24 (6) "public place" means any area that is used or held out
25 for use by the public whether owned or operated by a public or private
26 interest, including but not limited to highways or other roads upon
27 which vehicles are moved, parks, campgrounds, trailer parks, drive-in
28 and fast food restaurants, gasoline service stations, parking lots for
29 taverns, shopping centers and grocery stores and other parking lots

1 which have a capacity for more than 50 vehicles, marinas, boat launching
2 areas, boat moorage and fueling stations, public and private piers,
3 beaches, bathing areas, school grounds, sporting event sites with
4 seating capacity for more than 200 spectators, and business district
5 sidewalks;

6 (7) "recycling" means the process of separating, cleansing,
7 treating or reconstituting waste or other discarded materials for the
8 purpose of recovering and reusing resources contained in that material
9 or waste;

10 (8) "recycling center" means a central collection point for
11 recyclable materials;

12 (9) "resource recovery" means a system or process for the
13 recovery of materials or energy from waste material;

14 (10) "source separation" means separation of recyclable
15 materials by the public from their general refuse;

16 (11) "vehicle" means every mechanically driven device of any
17 kind capable of being moved upon a public highway and in, upon, or by
18 which any person or property is or may be transported or drawn upon a
19 public highway, trail or path;

20 (12) "watercraft" means any boat, ship, vessel, barge or other
21 floating craft of any kind.

22 Sec. 41.21.150. SHORT TITLE. This chapter may be cited as the
23 Alaska Comprehensive Recycling and Litter Reduction Act.

24 * Sec. 3. AS 11.20.590(b) and (e) are repealed.

25 * Sec. 4. AS 11.46.488 enacted by ch. 166 SLA 1978 is repealed.

26 * Sec. 5. Notwithstanding the terms of office for members of the advisory
27 council specified in AS 41.21.030(c) contained in sec. 2 of this Act, the
28 terms of the first appointees shall be as follows:

29 (1) three members shall serve terms ending June 30, 1980, and

1 (2) four members shall serve terms ending June 30, 1981.

2 * Sec. 6. REVIEW AND EVALUATION. The Legislative Budget and Audit Com-
3 mittee shall review and evaluate the extent to which the purposes of this Act
4 have been and are being achieved and the need for the continuation of the
5 programs and requirements established under this Act. That review and eval-
6 uation shall be completed at least six months before the date specified in
7 sec. 7 of this Act.

8 * Sec. 7. TERMINATION. This Act terminates July 1, 1983.

9 * Sec. 8. This Act takes effect July 1, 1979.

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