

Original Sponsors: Colletta, Kerstula,  
Sackett, et al

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1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 2 am H

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the reduction of litter and the  
7 recovery of materials and energy from litter; and  
8 providing for an effective date."

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

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\* Section 1. LEGISLATIVE INTENT. (a) It is the intent of the legisla-

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ture to encourage the recovery of resources from litter and maintain the

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natural environment of the state as nearly litter free as possible so that

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our cities, boroughs, rural regions, highways, roads, and recreational areas

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can be viewed and enjoyed by both present and future citizens and visitors in

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their finest scenic state, unblemished by litter.

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(b) It is the belief of the legislature that the official encouragement

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and stimulation of private and public recovery of materials and energy from

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litter through recycling centers and other means, will result in the recovery

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and reuse of major quantities of basic materials with accompanying signifi-

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cant conservation and savings of energy.

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(c) It is the belief of the legislature that a litter-free environment

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is possible through enactment of a strong and well-balanced program of litter

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prevention, a program of public awareness designed to make littering an

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unacceptable practice in the minds of all citizens and visitors; and a pro-

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gram of public education with emphasis on younger people who are the future

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of the state.

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(d) It is the intent of the legislature that appropriations made to

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finance the programs created under AS 41.21 enacted in sec. 2 of this Act

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should be spent to encourage local solutions for the prevention of littering.

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

2 CHAPTER 21. RECYCLING AND REDUCTION OF LITTER.

3 Sec. 41.21.010. POWERS AND DUTIES OF THE DEPARTMENT. The depart-  
4 ment shall

5 (1) serve as the coordinating agency among the various  
6 government and private organizations in the state which are involved in  
7 litter control and reduction and the recovery of energy or materials  
8 from litter;

9 (2) assist local governments in the adoption and amendment of  
10 ordinances relating to litter control and reduction;

11 (3) encourage, organize and coordinate voluntary local in-  
12 formation campaigns which seek to focus the attention of the public on  
13 the reduction of litter and the recovery of materials and energy from  
14 litter;

15 (4) encourage, organize and coordinate voluntary or nonprofit  
16 local programs for the recovery of materials or energy from litter;

17 (5) encourage federal, state and local agencies to aid pro-  
18 grams for the recovery of materials and energy from litter by providing  
19 publicity which encourages those programs and by allowing the use of  
20 publicly owned land, buildings, or equipment for those programs whenever  
21 possible;

22 (6) investigate the availability of, apply for, receive, and  
23 expend grants, loans or other funds available from any source, and, if  
24 it is appropriate and feasible, accept nonmonetary assistance in the  
25 form of services or equipment for use in programs established under this  
26 chapter;

27 (7) determine the types of materials or energy which may be  
28 profitably recovered from litter, and adopt regulations under the Admin-  
29 istrative Procedure Act (AS 44.62) which require the recovery of the

1 materials or energy;

2 (8) adopt other regulations under the Administrative Proce-  
3 dure Act (AS 44.62) necessary to implement this chapter; and

4 (9) develop methods for the measurement of litter in the  
5 state and encourage competition between municipalities to establish  
6 which municipality has the least litter.

7 Sec. 41.21.020. ANNUAL REPORT. Not later than six months after  
8 the end of each fiscal year, the department shall prepare a detailed  
9 report describing and evaluating the actions taken and programs estab-  
10 lished under this chapter for submission to the governor and the  
11 legislature. The report must include

12 (1) the status and results of all grants made under this  
13 chapter;

14 (2) an evaluation of the progress achieved by litter control  
15 and reduction programs; and

16 (3) an evaluation of the resources and energy recovered from  
17 litter in the state.

18 Sec. 41.21.030. ADVISORY COUNCIL. (a) There is created an advi-  
19 sory council to the department, which shall advise the department con-  
20 cerning the litter control and reduction, source separation and other  
21 programs for the recovery of energy and materials from litter under this  
22 chapter. The council may encourage the participation of industry,  
23 labor, municipalities, and the public in the programs administered by  
24 the department.

25 (b) The council consists of seven members appointed by the  
26 governor who are aware of and concerned with achieving the goals of this  
27 chapter. The members serve at the pleasure of the governor.

28 (c) The council shall meet annually, and may meet more frequently  
29 if necessary or desired. The members of the council serve without

1 compensation but are entitled to per diem and travel expenses authorized  
2 by law for boards and commissions.

3 Sec. 41.21.040. PUBLIC AWARENESS; MOTIVATION. The department  
4 shall establish, provide advice concerning, and coordinate programs  
5 designed to

6 (1) encourage the public to recover material and energy from  
7 litter;

8 (2) use existing, and develop new, techniques and programs to  
9 reduce litter and littering;

10 (3) encourage the public not to litter and to engage in  
11 clean-up efforts; and

12 (4) advise the public of the state's anti-litter laws and  
13 regulations and encourage enforcement of those laws and regulations.

14 Sec. 41.21.050. LITTER RECEPTACLES AND ANTI-LITTER SYMBOL. (a)  
15 The department shall designate one or more types and sizes of litter  
16 receptacles for use in the state. The department shall make available  
17 for distribution throughout the state an anti-litter symbol of a uniform  
18 color and design adopted by the department. This anti-litter symbol  
19 must bear a statement of the penalties for littering, and the department  
20 shall design the anti-litter symbol so that it may be attached to litter  
21 receptacles. To aid public recognition and use of litter receptacles,  
22 the department may adopt an anti-litter symbol used in another state.  
23 The anti-litter symbol designed by the department must be attached to  
24 litter receptacles located in the public places of the state by the  
25 person or agency responsible for the placement of those receptacles.

26 (b) Litter receptacles designated for use in the state by the  
27 department shall be placed at public places in the state unless the  
28 public place is specifically exempted by regulations adopted by the com-  
29 missioner under the Administrative Procedure Act (AS 44.62). The number

1 of receptacles required to be placed in each public place shall be  
2 determined by a formula related to the need for those receptacles. The  
3 requirements of this subsection are satisfied by the use of a litter  
4 receptacle which was in use before July 1, 1980, if the anti-litter  
5 symbol of the state is attached to the receptacle.

6 (c) A person owning or operating a privately owned public place at  
7 which litter receptacles are required under (b) of this section shall  
8 place litter receptacles at the public place at his own expense.

9 (d) Compliance with this section requires proper upkeep, mainte-  
10 nance and repair of a litter receptacle sufficient to permit the re-  
11 ceptacle to serve the function for which it was designed and to prevent  
12 the receptacle from becoming unsightly.

13 (e) Responsibility for the placement of litter receptacles at  
14 publicly owned public places and for the removal of litter from those  
15 litter receptacles remains with the municipality or other public agency  
16 performing litter removal. Removal of litter from litter receptacles  
17 placed at privately owned public places remains the responsibility of  
18 the owner or operator of the privately owned public place.

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

22 (g) A person may not deposit leaves, clippings, prunings, garden  
23 refuse or household waste materials in a litter receptacle unless he has  
24 the permission of the owner of that receptacle.

25 (h) Except as provided in (i) of this section, a person who vio-  
26 lates the provisions of (b) - (g) of this section is guilty of a viola-  
27 tion and in addition to the punishment imposed by AS 12.55.035(b)(5),  
28 the court may order a person who violates this section to gather and  
29 dispose of litter in an area and for a length of time determined by the

1 court.

2 (i) If a municipality of the state adopts an ordinance which pro-  
3 hibits the same conduct prohibited by (b) - (g) of this section, a  
4 violation of (b) - (g) of this section which occurs in the municipality  
5 is punishable under the provisions of the municipal ordinance if the  
6 punishment imposed under the ordinance is equal to or greater than the  
7 punishment imposed by AS 12.55.035(b)(5).

8 Sec. 41.21.060. LITTER BAGS. The department shall design and have  
9 produced a biodegradable litter bag bearing the state anti-litter symbol  
10 and a statement of the penalties for littering in the state. The  
11 department shall make litter bags available to the division of motor  
12 vehicles in the Department of Public Safety for this purpose. To the  
13 greatest extent practicable, the division of motor vehicles shall dis-  
14 tribute one litter bag to each person who applies for registration or  
15 reregistration of his motor vehicle and shall notify the person of his  
16 responsibilities under the law. The department shall make litter bags  
17 available to all vessel owners and persons entering the state by auto-  
18 mobile. The commissioner shall designate distribution points for the  
19 broadest possible distribution of litter bags to persons entering the  
20 state by automobile or vessel.

21 Sec. 41.21.070. LITTER PATROL. (a) The department shall  
22 establish a youth litter patrol program for the employment of young  
23 people on a seasonal basis. The department shall cooperate with  
24 federal, state or municipal programs that either employ young people or  
25 encourage their employment. The department may contract with other  
26 state agencies to provide administration and other support for the youth  
27 litter patrol established by this section.

28 (b) The department may adopt regulations under the Administrative  
29 Procedure Act (AS 44.62) which are necessary to implement this section.

1           Sec. 41.21.080. LITTERING PROHIBITED. (a) A person may not  
2 throw, drop, deposit, discard or otherwise dispose of litter from a  
3 vehicle or otherwise, on public or private property in the state or in  
4 waters in the state or under state jurisdiction unless

5           (1) the property is designated by a state agency or munici-  
6 pality as a site for the sanitary disposal of garbage or refuse, and the  
7 person is authorized to use the site for that purpose; or

8           (2) litter is placed in a litter receptacle so that the  
9 litter is prevented from being carried away or deposited by the elements  
10 upon public or private property or waters in the state or under state  
11 jurisdiction.

12           (b) A vehicle may not be driven or moved on a public highway or  
13 right-of-way unless it is constructed, loaded or covered to prevent  
14 its load from dropping, sifting, leaking or otherwise escaping from  
15 the vehicle. This subsection does not apply to a vehicle used (1) to  
16 deposit salt or sand to secure traction, (2) by a public agency to  
17 clean or maintain highways, or (3) to transport agricultural, mining or  
18 timber products. A person who operates a vehicle from which an object  
19 has fallen or escaped which obstructs or endangers travel upon a public  
20 highway or right-of-way shall immediately remove the object at his own  
21 expense or pay the cost of removal incurred by the state or by a  
22 person.

23           (c) A person who violates this section is guilty of a class B  
24 misdemeanor, and in addition to the punishment imposed by AS 12.55.035-  
25 (b)(4) and 12.55.135(b), the court may order the person to gather and  
26 dispose of litter in an area and for a length of time determined by the  
27 court.

28           Sec. 41.21.090. PROHIBITED BEVERAGE CONTAINERS. (a) Beginning  
29 October 1, 1981, a person may not sell or offer to sell a non-glass

1 beverage container which is designed and constructed so that the con-  
2 tainer is opened by detaching a metal ring or tab. This section does  
3 not apply to a beverage container which is opened by a detachable piece  
4 of tape, foil, or other soft material.

5 (b) Beginning October 1, 1981, a person may not sell or offer to  
6 sell beverage containers which are held together by plastic rings or  
7 similar plastic devices which are not degradable.

8 (c) A person who violates this section is guilty of a violation.  
9 Each sale or offer to sell is a separate offense.

10 Sec. 41.21.100. NOTICE TO PUBLIC. The penalties imposed for  
11 littering shall be posted along the public highways of the state, at  
12 visitor centers, at entrances to state parks and recreational areas, at  
13 public beaches, and other publicly owned public places the commissioner  
14 determines necessary to accomplish the purposes of this chapter. The  
15 state agency or municipality responsible for litter removal from a  
16 public place shall post the notice required by this section.

17 Sec. 41.21.110. ENFORCEMENT AUTHORITY. (a) The following persons  
18 are authorized to enforce the provisions of this chapter:

- 19 (1) a state employee authorized by the commissioner; and  
20 (2) a peace officer.

21 (b) The department shall prescribe a citation form which shall be  
22 used by all peace officers and persons in the state who are authorized  
23 to enforce the provisions of this chapter.

24 Sec. 41.21.120. GRANTS. The department may make grants to state  
25 agencies, to municipalities, and to private organizations including  
26 nonprofit organizations for the establishment and operation of programs  
27 authorized under this chapter. A grant under this section may not  
28 exceed 18 months. A program qualifying for a grant under this section  
29 may include

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

3 (2) purchase and erection of roadside signs;

4 (3) organization and operation of litter removal activities  
5 conducted by municipalities, private organizations or service groups  
6 using volunteer help;

7 (4) a public information program to inform the public con-  
8 cerning the reduction of litter using the media including use of the  
9 electronic media;

10 (5) expansion of existing and planning, design and construc-  
11 tion of new facilities for the recovery of materials and energy from  
12 litter;

13 (6) research and evaluation of markets for the materials and  
14 energy recovered from litter;

15 (7) advice and assistance, including information and con-  
16 sultation on available technology, operating procedures, organizational  
17 arrangements, markets for materials or energy obtained from litter,  
18 transportation alternatives, and publicity techniques;

19 (8) surveys by public agencies or recognized research organi-  
20 zations to assess the amount and composition of litter, and rates of  
21 littering;

22 (9) the purchase of litter receptacles;

23 (10) the creation or expansion of litter law enforcement  
24 programs;

25 (11) the initial purchase or lease of recycling equipment, the  
26 cost of operating that equipment, and the cost of storing and transport-  
27 ing materials before and after those materials are recycled.

28 Sec. 41.21.130. CONDITIONS FOR GRANTS. (a) The department shall  
29 adopt regulations under the Administrative Procedure Act (AS 44.62)

1 which establish

2 (1) eligibility requirements for applicants for a grant under  
3 AS 41.21.120;

4 (2) standards for the evaluation of proposals submitted by  
5 applicants for grants under AS 41.21.120; and

6 (3) other conditions for the receipt of a grant under AS 41.-  
7 21.120 which are necessary to achieve the purposes of this chapter.

8 (b) The regulations adopted by the department under (a) of this  
9 section must meet the following criteria:

10 (1) if there is not enough money for grants to all eligible  
11 applicants, the following shall receive priority:

12 (A) a proposed program or project which most efficiently  
13 recovers materials or energy from litter;

14 (B) the proposed program or project which creates the  
15 greatest number of new jobs;

16 (2) the maximum amount for a single grant shall be estab-  
17 lished so that available money is distributed to a variety of programs,

18 (3) a grant may be made for new programs or for improvements  
19 to or additions to existing programs which were not previously financed  
20 by other existing resources of financing.

21 Sec. 41.21.140. FEDERAL REQUIREMENTS. If a federal department or  
22 agency issues a formal ruling that a section of this chapter will pre-  
23 vent the state from receiving federal financial participation in a  
24 program or activity established under this chapter, the section does not  
25 apply to the extent that it causes the program or activity to lose  
26 federal funding.

27 Sec. 41.21.150. DEFINITIONS. In this chapter,

28 (1) "beverage container" means the individual, separate,  
29 sealed glass, metal or plastic bottle, can, jar or carton containing

1 beer or other malt beverages or carbonated soft drinks, in liquid form;

2 (2) "commissioner" means the commissioner of environmental  
3 conservation;

4 (3) "department" means the Department of Environmental Con-  
5 servation;

6 (4) "litter" means all waste materials susceptible to being  
7 dropped, deposited, discarded or otherwise disposed of upon property in  
8 the state or in waters under state jurisdiction; "litter" does not  
9 include the waste of the primary processes of mining or other extraction  
10 process, logging, sawmilling, farming or manufacturing;

11 (5) "litter bag" means a bag, sack or other container made of  
12 any material which is large enough and suitable to serve as a receptacle  
13 for litter inside a vehicle or vessel;

14 (6) "public place" means public or private property that is  
15 used or held out for use by the public, including but not limited to  
16 highways or other roads upon which vehicles are moved, parks, camp-  
17 grounds, trailer parks, drive-in and fast food restaurants, gasoline  
18 service stations, parking lots for taverns, shopping centers and grocery  
19 stores and other parking lots which have a capacity for more than 50  
20 vehicles, marinas, boat launching areas, boat moorage and fueling sta-  
21 tions, public and private piers, beaches, bathing areas, school grounds,  
22 sporting event sites with seating capacity for more than 200 spectators,  
23 and business district sidewalks;

24 (7) "vehicle" means a mechanically driven device of any kind  
25 which is used for the transportation of a person or property on a public  
26 highway, trail or path;

27 (8) "vessel" means all descriptions of watercraft used or  
28 capable of being used as a means of transportation on the water.

29 \* Sec. 3. AS 11.46.488 and AS 19.17.010 are repealed.

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

7       \* Sec. 5. TERMINATION. This Act terminates July 1, 1984.

8       \* Sec. 6. This Act takes effect July 1, 1980.

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