

SB

2

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

March 22, 1979

Date:

3-25-80

Mr. Speaker:

The Committee on STATE AFFAIRS

has had

CSSR 2

"An Act relating to the comprehensive recycling and reduction of litter; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^HCC for CSSR 2 same title
 new title
- and recommends HESS 3102 DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

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**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

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CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB-2
 Title Comprehensive Recycling - and Reduction of Litter
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Environmental Conservation
 Program Category Affected Solid Waste Management
 BRU, Program, or Subprogram(s) Affected Environmental Quality Management
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	-	349.5	384.0	423.0	465.0	-
200 TRAVEL	-	74.0	81.0	90.0	98.0	-
300 CONTRACTUAL	-	155.5	165.5	182.0	200.0	-
400 COMMODITIES	-	17.0	18.5	20.6	22.6	-
500 EQUIPMENT	-	47.0	49.0	52.0	54.4	-
600 LAND & STRUCTURES	-					-
700 GRANTS, CLAIMS, ETC.	-	450.0	450.0	450.0	450.0	-
TOTAL	-	1,093.0	1,148.0	1,217.6	1,290.0	

FUNDING (Thousands of Dollars)

GENERAL FUND	-	1,093.0	1,148.0	1,217.6	1,290.0	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Fund Source)	-	-	-	-	-	-

POSITIONS

FULL TIME	-	7	7	7	7	7
PART TIME	-	36	36	36	36	36
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

ASSUMPTIONS: 1. Assumes full bill to be enacted, including litter reduction regulations established and enforced, public information campaigns, resource recovery and litter reduction programs implemented including grants to communities/organizations, 3 litter patrol units activated each year for three months. 10% inflation assumed on personal services, travel and commodities, 5% inflation on all other figures.

IV. DATE _____ PREPARED BY _____

AGENCY _____
 PHONE _____

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

A. POSITIONS AND RESOURCES FOR ADEC

Personal Services:
(position descriptions attached)

1 resource recovery economist (R20)	43.3
1 litter reduction program supervisor (R18)	37.7
1 public information officer I (R14)	28.1
1 administrative assistant (R17)	23.3
3 field positions (R16)	98.1

Total Personal Services 232.5

Travel 20.0

Contractual 104.5

To support positions	74.5
For public information	30.0

Commodities 2.0

Equipment 2.0

SUBTOTAL ADEC EXPENSES 361.0

B. GRANTS TO LOCAL GOVERNMENT FOR LITTER CONTROL. 200.0

Will include supplemental funds to supplement/
encourage litter cleanup efforts

C. RECYCLING, RESOURCE CONSERVATION GRANTS 250.0

Will include funds to initiate, and demonstration
grants to show feasibility of, promising recycling
and resource conservation projects.

D. LITTER PATROL (36 part-time positions)

Per Patrol:

11 youths & supervisor	
@ \$1,300/youth/patrol	39.0
Travel	18.0
Contracted	17.0
Commodities	5.0
Equipment	15.0
	<u>94.0</u>

Cost for 3 patrols: 282.0

TOTAL FISCAL FOR CSSB-2 1,093.0

POSITION DESCRIPTIONS FOR CSSB-2

3 ECOLOGIST II positions, Range 16, to be located in each of the department's 3 field offices in Fairbanks, Anchorage, and Juneau.

Job Description: Range 16; Assists communities and public organizations in conducting litter cleanup campaigns, investigates and assures compliance with litter and litter receptacle regulations; coordinates state grants to further litter reduction and resource recovery; collects and compiles data to identify litter reduction and resource recovery opportunities within communities; answers complaints and provides public information concerning litter reduction and resource recovery requirements and opportunities.

LITTER REDUCTION PROGRAM SUPERVISOR Ecologist III Range 18, located in Juneau

Job Description: Under general supervision, develops and oversees the establishment and operation of the statewide litter reduction program; defines program goals and policies; coordinates effective public relations efforts with the Department's Public Information Officer, Advisory Council and regional field officers; develops litter reduction regulations and enforcement policies; establishes litter reduction program progress; develops annual work plans for accomplishing program objectives.

RESOURCE RECOVERY PROGRAM ANALYST Economist II Range 20, located in Juneau

Job Description: Under general supervision, develops and oversees the establishment of a statewide resource recovery program; defines program goals and policies; conducts detailed economic analyses to determine areas where resource recovery from litter-related materials can be accomplished; establishes demonstration projects and programs to show feasibility of resource recovery; evaluates statewide economic potential for resource recovery from litter-related materials; coordinates public relations efforts with the Department's Public Information Officer, Advisory Council and regional field officers on resource recovery matters; develops resource recovery grant policies and procedures; collects and analyzes data to determine resource recovery program effectiveness; writes summary reports on resource recovery; develops annual work-plans for accomplishing resource recovery objectives.

PUBLIC INFORMATION OFFICER Range 14, located in Juneau

Job Description: Under supervision, prepares public information releases, brochures and documents concerning litter reduction and resource recovery; works with communities in organizing public information campaigns for litter cleanup efforts.

Original Sponsors: Colletta, Kerttula,
Sackett, et al

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR CS SENATE BILL NO. 2

3 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 resource recovery and the reduction
7 of litter; and providing for an effective date."

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

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

15 (b) It is the belief of the legislature that the official encouragement
16 and stimulation of private and public resource recovery and conservation
17 efforts, through recycling centers and other means, will result in the re-
18 covery and use of major quantities of basic materials with accompanying
19 significant conservation and savings of energy.

20 (c) It is the belief of the legislature that a litter-free environment
21 is possible through enactment of a strong and well-balanced program of litter
22 prevention, a program of public awareness designed to make littering an
23 unacceptable practice in the minds of all citizens and visitors; and a program
24 of public education with emphasis on younger people who are the future of the
25 state.

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

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

encourage all federal + state (3) coordinate

CHAPTER 21. RECYCLING AND REDUCTION OF LITTER.

Sec. 41.21.010. POWERS AND DUTIES OF THE DEPARTMENT. The department shall

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

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

(3) encourage, organize and coordinate voluntary local information campaigns which seek to focus the attention of the public on the reduction of litter and the recovery of resources from litter;

(4) encourage, organize and coordinate ~~voluntary~~ local resource recovery programs;

(5) encourage all state and local agencies to aid resource recovery programs by providing publicity which encourages resource recovery programs and by allowing the use of publicly owned land, buildings, or equipment for resource recovery efforts whenever possible;

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

(7) determine the types of materials or energy which may be ~~profitably~~ profitably recovered from litter through resource recovery processes, and adopt regulations under the Administrative Procedure Act (AS 44.62) which require the recovery of the materials or energy; and

(8) adopt other regulations under the Administrative Procedure Act (AS 44.62) necessary to implement this chapter.

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

6 (1) the status and results of all grants made under this
7 chapter;

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

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

12 Sec. 41.21.030. ADVISORY COUNCIL. (a) There is created an advi-
13 sory council to the department, which shall advise the department con-
14 cerning the litter control and reduction, source separation and resource
15 recovery programs under this chapter. The council may encourage the
16 participation of industry, labor, municipalities, and the public in the
17 programs administered by the department.

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

21 (c) The council shall meet annually, and may meet more frequently
22 if necessary or desired. The members of the council serve without
23 compensation but are entitled to per diem and travel expenses authorized
24 by law for boards and commissions.

25 Sec. 41.21.040. PUBLIC AWARENESS; MOTIVATION. The department
26 shall establish, provide advice concerning, and coordinate programs
27 designed to

28 (1) encourage the public to recover valuable resources from
29 litter;

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

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

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

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

19 (b) Litter receptacles designated for use in the state by the
20 department shall be placed at public places in the state unless the
21 public place is specifically exempted by regulations adopted by the com-
22 missioner under the Administrative Procedure Act (AS 44.62). The number
23 of receptacles required to be placed in each public place shall be
24 determined by a formula related to the need for those receptacles. The
25 requirements of this subsection are satisfied by the use of a litter
26 receptacle which was in use before July 1, 1980, if the anti-litter
27 symbol of the state is attached to the receptacle.

28 (c) A person owning or operating a privately owned public place at
29 which litter receptacles are required under (b) of this section shall

1 place litter receptacles at the public place at his own expense.

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

6 (e) Responsibility for the placement of litter receptacles at
7 publicly owned public places and for the removal of litter from those
8 litter receptacles remains with the municipality or other public agency
9 performing litter removal. Removal of litter from litter receptacles
10 placed at privately owned public places remains the responsibility of
11 the owner or operator of the privately owned public place.

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

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

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

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

1 Sec. 41.21.060. LITTER BAGS. The department shall design and have
2 produced a biodegradable litter bag bearing the state anti-litter symbol
3 and a statement of the penalties for littering in the state. The depart-
4 ment shall make available to the division of motor vehicles in the
5 Department of Public Safety a sufficient quantity of these litter bags.
6 The division of motor vehicles shall distribute one litter bag to each
7 person who applies for registration or reregistration of his motor
8 vehicle and shall notify the person of his responsibilities under the
9 law. The department shall make litter bags available to all vessel
10 owners and persons entering the state by automobile. The commissioner
11 shall designate distribution points for the broadest possible distri-
12 bution of litter bags to persons entering the state by automobile or
13 vessel.

14 Sec. 41.21.070. LITTER PATROL. (a) The department shall establish
15 a youth litter patrol program for the employment of young people on a
16 seasonal basis. The department shall cooperate with federal, state or
17 municipal programs that either employ young people or encourage their
18 employment. The department may contract with other state agencies to
19 provide administration and other support for the youth litter patrol
20 established by this section.

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

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

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

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

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

15 (c) A person who violates this section is guilty of a violation,
 16 and in addition to the punishment imposed by AS 12.55.035(b)(5), the
 17 court may order the person to gather and dispose of litter in an area
 18 and for a length of time determined by the court.

19 Sec. 41.21.090. PROHIBITED BEVERAGE CONTAINERS. (a) Beginning
 20 July 1, 1981, a person may not sell or offer for sale a nonglass bever-
 21 age container which is opened by detaching a part of the beverage con-
 22 tainer.

Industry wants 1/2 years

23 (b) Beginning July 1, 1981, a person may not sell or offer for
 24 sale beverage containers which are held together by plastic or by a non-
 25 biodegradable substance.

26 (c) A person who violates this section is guilty of a violation.
 27 Each sale of a prohibited beverage container is a separate offense.

28 Sec. 41.21.100. NOTICE TO PUBLIC. The penalties imposed for
 29 littering shall be placed along the public highways of the state, at

*Chastrow for
summary*

*if subcommittee
non-profit*

1 visitor centers, at entrances to state parks and recreational areas, at
2 public beaches, and other publicly owned public places the commissioner
3 determines necessary to accomplish the purposes of this chapter. The
4 state agency or municipality responsible for litter removal from the
5 public place shall post the notice required by this section.

6 Sec. 41.21.110. ENFORCEMENT AUTHORITY. The following persons are
7 authorized to enforce the provisions of this chapter:

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

10 Sec. 41.21.120. GRANTS. The department may make grants to state
11 agencies, to municipalities, and to ^{or non profit?} private organizations for the estab-
12 lishment and operation of programs authorized under this chapter. A
13 grant under this section shall be for one year ^{16 mo} only. A program qual-
14 ifying for a grant under this section may include

- 15 (1) courses of instruction at, or the distribution of infor-
16 mative materials to, elementary and secondary schools;
- 17 (2) purchase and erection of roadside signs;
- 18 (3) organization and operation of litter removal activities
19 conducted by municipalities, private organizations or service groups
20 using volunteer help;
- 21 (4) a public information program to inform the public con-
22 cerning the reduction of litter using the media including use of the
23 electronic media;
- 24 (5) expansion of existing and ^{wording?} planning, design and construc-
25 tion of facilities for the recovery of materials and energy from litter;
- 26 (6) research and evaluation of markets for the materials and
27 energy recovered from litter;
- 28 (7) advice and assistance, including information and con-
29 sultation on available technology, operating procedures, organizational

1 arrangements, markets for materials or energy obtained from litter,
2 transportation alternatives, and publicity techniques;

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

6 (9) the purchase of litter receptacles; and

7 (10) the creation or expansion of litter law enforcement
8 programs. (11)

On an initial basis may fund the cost of enforcement or less than purchase of equipment

9 Sec. 41.21.130. CONDITIONS FOR GRANTS. (a) The department shall
10 adopt regulations under the Administrative Procedure Act (AS 44.62)
11 which establish

12 (1) eligibility requirements for applicants for a grant under
13 AS 41.21.120;

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

16 (3) other conditions for the receipt of a grant under AS 41.-
17 21.120 which are necessary to achieve the purposes of this chapter.

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

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

maximum total amount carry

22 (A) a proposed program or project which may become
23 ~~economically self-sufficient in the future~~, and

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

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

28 (3) a grant may be made only for new programs or for improve-
29 ments to or additions to existing programs.

pg 10 line 1
what??

1 Sec. 41.21.140. FEDERAL REQUIREMENTS. If a federal department or
2 agency issues a formal ruling that a section of this chapter will pre-
3 vent the state from receiving federal financial participation in a
4 program or activity established under this chapter, the section does not
5 apply to the extent that it causes the program or activity to lose
6 federal funding.

7 Sec. 41.21.150. DEFINITIONS. In this chapter,

8 (1) "beverage container" means the individual, separate,
9 sealed glass, metal or plastic bottle, can, jar or carton containing
10 beer or other malt beverages and mineral waters, soda water and soft
11 drinks in liquid form;

12 (2) "commissioner" means the commissioner of environmental
13 conservation;

14 (3) "department" means the Department of Environmental Con-
15 servation;

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

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

24 (6) "public place" means public or private property that is
25 used or held out for use by the public, including but not limited to
26 highways or other roads upon which vehicles are moved, parks, camp-
27 grounds, trailer parks, drive-in and fast food restaurants, gasoline
28 service stations, parking lots for taverns, shopping centers and grocery
29 stores and other parking lots which have a capacity for more than 50

1 vehicles, marinas, boat launching areas, boat moorage and fueling sta-
 2 tions, public and private piers, beaches, bathing areas, school grounds,
 3 sporting event sites with seating capacity for more than 200 spectators,
 4 and business district sidewalks;

5 (7) "resource recovery" means the recovery of materials or
 6 energy from litter;

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

10 (9) "vessel" means all descriptions of watercraft used or
 11 capable of being used as a means of transportation on the water.

12 * Sec. 3. AS 11.46.488 and AS 19.17.010 are repealed.

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

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

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

EDITORIAL PAGE

The Anchorage Times

ROBERT B. ATWOOD
Editor and Publisher

WILLIAM J. TOBIN
Associate Editor
And General Manager

CLINTON T. ANDREWS JR.
Managing Editor

Page 8

Friday, April 20, 1979

ALASKA FEVER



THEY HAD A
HARD TIME FINDING
500,000 ACRES!

AND
THOUGH
NEEDED



War On Litter

A REFERENDUM to give Alaska a law prohibiting use of non-returnable bottles and mandating a system of deposits and refunds was defeated in last November's general election, partly on the promise of opponents that a better piece of litter-control legislation would be enacted this year.

Those opponents were heavily financed by businessmen and those who sell and distribute bottled drinks in Alaska. Supporters of the bill said the industry campaign against passage of the referendum was based on self-interest and an evil effort to protect profits. They said industry claims that a better litter bill would be introduced were nothing more than empty promises.

The voters didn't buy that argument. A majority believed a better bill could be drafted and bottles were only a small part of the problem. By the vote last November, the people of Alaska asked for legislation that would tackle the whole problem of trash and litter, not just a fraction of it.

AS THINGS have turned out, the industry's word was good. It sponsored and has lobbied for that broader litter bill it talked about during last year's campaign.

The Alaska Senate, where the measure was introduced at the outset of the session, gave its approval to the new litter abatement proposal last month. It sent the measure on to the House by a resounding 18-1 vote.

There the bill has run into trouble. It was assigned to the State Affairs Committee, headed by Rep. Mike Miller of Juneau. He was the prime sponsor of the bottle bill and, according to industry sources, is no great supporter of the broader law. Some

say his coolness is motivated by the fact he doesn't want the industry to look good. The fear is some House members are determined to enact a bill that won't work.

One way to accomplish that negative goal, say spokesmen for an industry-sponsored committee known as Alaskans for Litter Control and Recycling, would be to have the Department of Environmental Conservation administer the law. Its commissioner, Ernst W. Mueller, is reported to be a foe of the bill's approach and an advocate of mandated deposits on bottles. A fact sheet distributed by the committee working for passage of the litter law says Mr. Mueller, in a recent cabinet meeting, expressed the opinion that the litter law should be vetoed by Gov. Jay Hammond if it passes the Legislature.

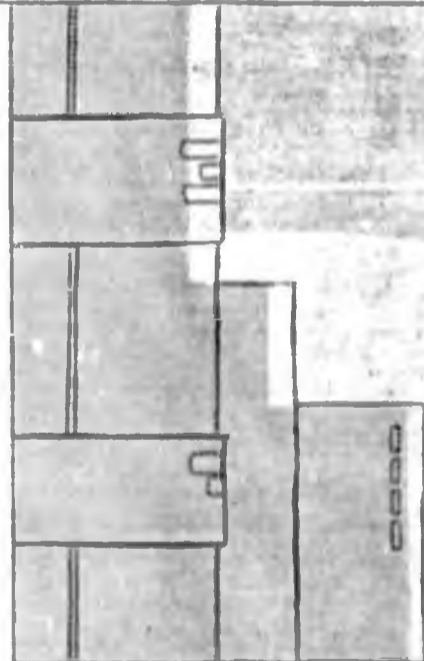
The Senate version of the bill would have administration of the law under the Department of Community and Regional Affairs and those working for its passage agree.

THE LAW would provide state direction and financial support for local efforts to make the state as free as possible of trash of all kinds — bottles as well as cans, paper, bed springs, rusty automobiles, splintered wood — anything and everything scattered by careless people.

Local governments, businesses, private organizations and community volunteers would be enlisted in the fight to eradicate litter and recycle what can be salvaged.

It is a program the people of Alaska favored when they turned down the bottle bill.

The House would do well to quit its own form of legislative littering, pass the Senate bill and get on with other things.



Nu
He

A NEW DEBATE over the future of nuclear power plants has begun. There's a fair chance it'll be more intelligent, and certainly more widely and closely followed than any previous public discussion of peaceful atomic energy.

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

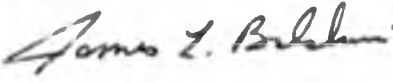
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 27, 1980

SUBJECT: Litter reductions and resource recovery
HCSCSSB 2

TO: Representative Mike Miller, Chairman
House State Affairs Committee

FROM: James L. Baldwin 
Legislative Counsel

I have completed a working draft of HCS for CSSB 2 (litter control and resource recovery). According to your instructions, I have revised this bill to conform with the requirements of the Legislative Drafting Manual. I have also redrafted certain provisions which were redundant or inartfully drafted. I have attempted to retain the substance of those provisions while reorganizing the bill to aid the Department of Environmental Conservation in administering the law after enactment.

There is one provision in the draft which I am uncertain if I have correctly reflected your intent - that section appears on page 6, line 18 which permits the department to adopt regulations prohibiting the sale of certain dangerous beverage containers sold in the state. You originally wanted the department to have the authority to adopt regulations to ban pull-tabs and plastic six-pack holders. The wording I drafted may be too broad for your purposes.

Additionally, there may be a constitutional problem with letting the department prohibit certain conduct by regulation since potential defendants may be unable to determine from the law whether their activity is punishable as a crime. I suggest that you consider an outright prohibition of pull-tabs and plastic six-pack holders in the law. This approach would avoid the lack of notice problem and would guarantee that your intent is accomplished.

Please let me know if I can assist you further.

JLB:ljb

Enclosure