

HB

59

SENATE COMMITTEE REPORT

FURTHER:

RESOURCES
JUDICIARY
FINANCE

3/3/87

DATE TURNED INTO OFFICE 3-25-87

Mr. President:

STATE AFFAIRS Committee considered CSHB 59(Jud)

recycling and reduction of litter; efd.

and recommended:

- replace with _____ CS FOR _____) same title
- or adopt _____ CS FOR _____) new title
- attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

- new updated or previous
- zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Jack Rosenberger
John DeL...
Willie...

Jan... No Rec

[Signature]
 Chairman signature and recommendation

Committee Backup Attached

Amendments to CSHB 59 (Jud)

An Act relating to the
recycling and reduction of litter

The figure of "\$50" is replaced with "\$25" on page 3, line 17;
page 3, line 20; and page 4, line 1.

The above amendments are supported by ALPAR (Alaskans for Litter Prevention and Recycling), the Department of Environmental Conservation, and the prime sponsor of the legislation. The amendments are made in the belief that the lower fine will result in greater enforcement of the state's litter laws, while also minimizing court costs by reducing the number of legal challenges to the fine.



Alaska State Legislature

Representative Mike Davis

P.O. Box V
Juneau, Alaska 99811
(907) 465-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708

MEMORANDUM

To: Senator Mitch Abood, Chairman
From: Representative Mike Davis *Mike Davis*
Date: March 9, 1987
Re: CSHB 59 (JUD); An Act Relating to the Recycling and
Reduction of Litter.

I am writing to request a hearing for CSHB 59 in the Senate State Affairs Committee. The attached backup material provides statements of explanation and support for this bill, which would both revise and extend Alaska's litter reduction program. CSHB 59 has also been crafted in a manner that allows the bill to have a zero fiscal note.

CSHB 59 has the support of municipalities, chambers of commerce, and the state administration. Passage of the legislation would allow Alaska to continue to enforce litter laws and to coordinate cleanup activities. Failure to pass the legislation will result in the termination of the program, which has a sunset date of June 30, 1987.

Please call me if you or your staff have any questions regarding this bill.



Alaska State Legislature

Representative Mike Davis

P.O. Box V
Juneau, Alaska 99811
(907) 465-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708

MEMORANDUM

To: House Finance Committee

From: Rep. Mike Davis

Date: February 24, 1987

Re: CSHB 59 (Jud); An Act Relating to the Recycling and Reduction of Litter.

The 1986 legislature failed to fund the state's litter reduction and recycling program for FY 87, and the program is due to sunset on June 30, 1987. However, this is an important program that coordinates community efforts to clean up litter throughout the state. Litter along the state's highways has a negative impact upon visitors to Alaska as well as upon the state's residents, and maintaining a litter program should continue to make the state a destination point for tourists.

The provisions of HB 59 would reduce the costs of operating an effective litter program by repealing requirements for an advisory council and the publication of an annual report. The legislation also reduces costs by allowing, rather than requiring, DEC to provide litter bags. These changes have allowed HB 59 to receive a zero fiscal note. The bill also would repeal the sunset provision of the program.

HB 59 would reduce the penalty for littering from a misdemeanor to a violation in order to eliminate court costs, and a prison term would be eliminated as a penalty for littering. The bill would also establish a \$50 fine for minor offenders that may be paid by mail, while retaining a maximum fine of \$1,000 for major offenders. A minor offense is one in which the amount of litter has an aggregate weight of five pounds or less. Community service provisions, in which a litterer may be required to pick up litter in a designated area for a designated length of time, are also retained.

Discussions with ALPAR (Alaskans for Litter Prevention and Recycling), the Fairbanks Litter and Beautification Committee, the Department of Environmental Conservation, and several municipalities have been very positive toward this legislation. The remarks of a few municipal leaders are presented below:

City and Borough of Juneau, Mayor Ernest Polley: "The City and Borough certainly supports litter reduction and recycling programs. The City and Borough of Juneau has a considerable litter problem as well as disposal problems concerning metals, household garbage, and hazardous liquids. I feel that this is a statewide problem and should be addressed on a statewide basis. We would be happy to work with your office to review any proposed legislation in this area."

Municipality of Anchorage, Mayor Tony Knowles: "As a strong supporter of a healthy, clean environment, I share your wish to avoid sunseting the litter reduction and recycling program within DEC. Although unfunded at this point, I believe a mechanism should exist for revitalizing this program should revenue levels again allow for funding of the program."

Matanuska-Susitna Borough, Mayor Dorothy Jones: "As for the litter reduction and recycling program, we find it a boon to the Matanuska-Susitna area and would most assuredly like to see funding restored and the program remain."

Rep. Mike Davis
February 24, 1987

Sectional Analysis of CSHB 59 (Jud)
An Act Relating to the Recvcling and Reduction of Litter

Sec. 1. Technical amendment to the Judicial Code to accomodate the establishment of littering citations.

Sec. 2. AS 46.06.010 is rewritten to eliminate redundant language, and to incorporate the provisions of AS 46.06.040.

Sec. 3. AS 46.06.060 is amended to provide that the Department of Environmental Conservation and the Department of Public Safety may, rather than must, provide litter bags to the public.

Sec. 4. The penalty for littering is reduced from a Class B misdemeanor to a violation, and prison terms for littering are eliminated. The maximum \$1,000 fine currently in statute is retained.

Sec. 5. A peace officer may issue a citation providing for a \$50 fine to a person guilty of a minor littering violation. A minor littering violation is one in which the aggregate weight of the litter is five pounds or less. The fine may be paid either in person or through the mail.

Sec. 6. The following sections are repealed:

AS 46.06.020, which requires an annual report.

AS 46.06.030, which establishes an advisory council.

AS 46.06.040, which establishes public awareness programs. Provisions of this section have been incorporated into AS 46.06.010.

AS 46.06.070(b), which establishes litter patrol regulations. These regulations are authorized under AS 46.06.010(8).

Sec. 7. All sunset provisions in AS 46.06 are repealed.

Sec. 8. Immediate effective date.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

POSITION PAPER

Bill No: HB 59

Date: January 30, 1987

Title: An Act relating to the
recycling and reduction
of litter

Contact: Randy Bayliss
465-2600

Department's Position

We support the bill.

Effect of the Bill

HB 59 reenacts most of Alaska's litter program, now on the eve of its "sunset." It also reduces the costs of the program, either by eliminating some functions (such as the Litter Advisory Council) or by making most other functions optional. The bill would also change littering from a "misdemeanor" to a "violation," which eliminates jail time as a penalty.

According to several opinion polls, many Alaskans consider littering to be a top environmental priority. Litter alongside tourist attractions has drawn national attention on television news and magazines. The litter program has enjoyed popular support from Alaskan cities and has encouraged start-up and operations of many recycling centers throughout Alaska.

Impact on the Agency

HB 59 was drafted with minimal operating expenses in mind. We have prepared a "zero" fiscal note.


Dennis D. Kelso
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HR 50
Publish Date: _____

Revision Date: _____
Title: An Act relating to the recycling and reduction of litter
Sponsor: Representative Mike Davis
Requestor: House Resources

Agency Affected: DEC
BRU: Environmental Quality
Components: Regional Offices

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						-
PART-TIME						-
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Randy Bayliss Phone: 465-2600
Division: Office of the Commissioner Date: January 30, 1987

Approved by Commissioner: Dennis D. Kelso Date: January 30, 1987
Agency: Environmental Conservation

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

BILL NO: CSHB 59 (JUD)

DATE: February 23, 1987

TITLE: "An Act relating to the recycling of litter; and providing for an effective date."

CONTACT: Maj. Walter J. Gilmour
Acting Director
Alaska State Troopers


DEPARTMENT OF
PUBLIC SAFETY
/
PAPER
/

A considerable expense is incurred by the state when cases involving incidental littering are pursued.

This legislation reduces littering offenses from a Class "B" misdemeanor to a "violation" and enables peace officers to issue a citation rather than make a physical arrest. Further, it allows the violator to mail in the fine rather than to make a court appearance. This will reduce officer court time and report writing in these minor cases.

Serious littering offenses (over 5 lbs.) remain a class "B" misdemeanor and thus, serious offenders can still be prosecuted.

The Division of Alaska State Troopers supports passage of this legislation.


WILLIAM R. NIX
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHB 59 (JUD)

Publish Date: _____

REQUEST _____

Revision Date: _____

Agency Affected: Public Safety

Title: "An Act relating to the re-cycling of litter..."

BRU: Alaska State Troopers

Sponsor: Rep. Davis

Components: Detachments & CIB

Requestor: House Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan

Phone: 269-5691

Division: Alaska State Troopers

Date: 2/23/87

Approved by Commissioner: William R. Nix

Date: 2/24/87

Agency: Public Safety

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

JNR
2/24/87

★ Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 1267

Fairbanks, Alaska 99707

907, 452-4761

January 30, 1987

Representative Mike Davis
Pouch V
Juneau, Alaska 99811

Mail Stop 3100

Dear Representative Davis:

As Mayor of the Fairbanks North Star Borough, I support passage of HB 59, An Act Relating to the Recycling and Reduction of Litter. Providing proper solid waste disposal and dealing with the accumulation of litter on our roadways are two problems which confront our community. The State's efforts in recycling and litter reduction help us to effectively resolve these problems. For this reason, I would urge the Alaska State Legislature to pass HB 59.

Sincerely,


Juanita Holmes
Borough Mayor

JH/HTS/mnb

BEAUTIFICATION AND LITTER CONTROL COMMITTEE

First National Center
100 Cushman Street

Greater Fairbanks Chamber of Commerce

(907) 459-1106

P.O. Box 74446
Fairbanks, Alaska 99707

January 29, 1987

Representative Mike Davis
Pouch V
Juneau, AK 99801

Mail Stop 3100

Dear Rep. Davis:

The Beautification and Litter Control Committee of the Greater Fairbanks Chamber of Commerce strongly supports passage of HB 59, An Act Relating to the Recycling and Reduction of Litter. Our committee has worked hard over the past several years to make Fairbanks a cleaner, more beautiful place for the enjoyment of residents and visitors alike. We feel that continued State support in the form of Litter reduction and recycling legislation is important to our success.

Litter reduction and recycling are more than just "environmental" concerns. These programs enhance economic development and tourism in our state. We are proud of the contributions our committee has made in these areas; we encourage the Alaska State Legislature to support our local efforts through passage of this legislation.

Sincerely,

Art Buswell

Art Buswell
Co-Chairman

Heather Stockard

Heather Stockard
Co-Chairman

Fifth Annual Report

May 1985

**ALASKA
LITTER REDUCTION
AND
RESOURCE RECOVERY
PROGRAM**

BILL SHEFFIELD

Governor

State of Alaska

BILL ROSS

Commissioner

Department of Environmental Conservation

Pouch O, Juneau, Alaska 99811



INTRODUCTION

Early in fiscal year 1984 the Division of Legislative Audit completed its review and evaluation of the first four years of the Department of Environmental Conservation's (DEC) Litter Reduction and Resource Recovery Program. Its performance report concluded that the popular and successful program, and its authorizing legislation, should be continued. On June 8, 1984, the Litter Reduction and Resource Recovery Act was reauthorized until July 1, 1987.

Since the inception of the Litter Reduction and Resource Recovery Program in 1980, DEC has actively pursued projects to reduce litter and encourage recycling and large-scale resource recovery in Alaska. According to the 1983 Alaska litter survey, much has been achieved in the first years of the program. Some of the highlights are:

- 36% decrease in fresh litter generation
- 35% decrease in litter accumulation
- 63.3% decrease of hazardous items in litter
- 20% increase in car litter bag use
- 40% decrease in aluminum can litter
- 36.6% decrease in litter at sites where receptacles have been added

Large-scale resource recovery significantly decreases certain kinds of litter, and saves resources and energy. The program provides support and assistance to resource recovery endeavors throughout Alaska. With the establishment of a pulp (shredder) mill in Anchorage (to be in operation in late 1985), an estimated 20,000 tons a year of ferrous metals will be recovered and possibly sold to a Pacific Rim country. This tonnage will represent a substantial increase over past years. At present, about 7% of over 50,000 tons of paper shipped to Alaska per year is recovered for reuse. Due to recent reduction of rates by freight carriers, the potential for recovery of waste paper is increasing. As demand for both energy and resources rises and supplies decline, such recovery becomes even more important.

This report documents DEC's accomplishments in litter reduction, litter prevention, resource recovery, and increasing public support of the program during FY 1984. In 1984, the program changed its reporting period to coincide with the State's fiscal year. Some of the figures in the report may overlap with figures in the 1983 annual report, which was based on a calendar year.

LITTER REDUCTION

Results from the 1983 Alaska litter survey performed by the Institute for Applied Research indicate that during the first three years of the litter and recycling program's existence, there has been a 36% reduction in the rate that fresh litter is generated (Syrek, 1983). Similar decreases were measured in the rate at which long term accumulations of litter build up. These results show a 35% decline when corrected for traffic and weather conditions.

What are the causes of these significant decreases in litter? Alaskans are becoming more involved in both picking up litter already on the ground (litter reduction) and eliminating acts of littering (litter prevention).

In an executive proclamation, Governor Shef Jeld declared May 1984 as Litter Prevention and Cleanup Month. Letters seeking similar local declarations were sent to mayors. DEC staff sent mailouts to city and village councils, schools, community leaders, and local media asking for their involvement in cleanup efforts.

The results of these activities were once again gratifying. Again in 1984, Alaska saw an increase in the number of community cleanups statewide. A current list of communities with cleanups appears in Appendix A. Table I shows 1984 cleanup results.

Table I
1984 Spring Cleanups

	Southeastern Region	Southcentral Region	Northern Region	TOTAL
Communities with cleanups	18	126	61	205
Participants	3,124	31,223	18,505	52,852
Bags Collected	6,729	105,590	55,700	168,019
Truckloads	379	12,401	not available	12,753
Junk Autos Removed	63	2,198	366	2,621

Youth Litter Patrols

As part of statewide litter reduction efforts in 1984, summer youth litter patrols were funded for a second year by Alaskans for Litter Prevention and Recycling (ALPAR, a private organization of business and industry) and a cash grant of \$120,000 from the State. Approximately 284 young people on the patrols picked up litter in 26 communities, with more than double the participation of the first year of the program. Table II shows a comparison between 1983 and 1984.

Table II

Youth Litter Patrols

	<u>1983</u>	<u>1984</u>
Number of Participants	120	284
Number of Communities	11	26
Number of Patrols	27	71
Bags Collected	6,500	Data not available
Total Cost	\$82,000	\$171,348

Fairbanks, a star in the youth litter program, had an impressive 20 patrols in 1984, up from 4 patrols in 1983. The patrols worked for 13 weeks cleaning up 400 miles of roadways and over 3,300 bags of litter. This program created 21 full-time seasonal jobs for youths 14-17 years old in the Fairbanks area. The "bottom line" summary of the 1984 Greater Fairbanks litter patrol effort was 8.3 bags of litter abated per mile of roadway cleaned up, at a cost of \$13.90 per bag.

Anchorage doubled its youth litter patrols from 10 in 1983 to 20 in 1984. Communities with two patrols each in 1984 were Homer, Juneau, Kenai, Ketchikan, Nenana, Palmer, and Valdez. The following communities had one youth litter patrol each: Bethel, Deering, Delta Junction, Dillingham, Ekwok, Kodiak, Koliganek, Saxman, Skagway, Soldotna, Togiak, Wasilla, and Wrangell.

Alternative Sentencing and Pretrial Diversion Programs

The Department of Law Pretrial Diversion Program made an outstanding contribution to litter reduction in 1984. The results of the efforts of this program were well up over 1983 (See Table III).

Table III

The Department of Law Pretrial Diversion Program

	<u>1983</u>	<u>1984</u>
Number of participants	50	220
Number of hours	1,600	2,800
Number of communities	1 - Juneau	4 - Fairbanks, Juneau*, Kenai and Sitka

- * 40 assigned to ALPAR patrols for 700 hours
- 100 assigned to DOT/PF on weekends for 800 hours

In FY 1984, the Municipality of Anchorage's Community Work Services Program assigned 400 sentenced misdemeanants to 8,000 hours of litter pickup. These misdemeanants were referred by the Court to this program, and picked up a total of 250,000 pounds of litter. The program not only reduced litter in Anchorage, but seemed to have a positive impact on the recidivism of the offenders, most of whom had been convicted of DWI. Other offenses included shoplifting, reckless driving, and littering. Virtually all the participants commented they would never litter again, after seeing firsthand what a problem litter is.

Working closely with the District Court, the Fairbanks North Star Borough's Environmental Services Division supervised the community service work required of litter offenders and those who had committed other minor offenses. The 53 individuals assigned to this program performed 1,001 hours of work, for an average of 18.9 hours per person. Juveniles performed 465 hours of work; adults, 536 hours. Thirty-three persons were assigned to community work service who did not perform the work, totalling 1344 hours of work assigned which was not performed.

Volunteer Efforts

DEC spring cleanups mobilize the people in a community and often lead to voluntary efforts to keep their communities clean year round. One spinoff of the DEC spring cleanup in 1984 was the voluntary placement of litter receptacles and antilitter signs in more than a dozen communities. Port Heiden went a step further, installing a large community dumpster and instituting a weekly pickup. In some areas, which did not have formal youth litter patrols, local people started voluntary cleanups. In Takotna such activity led to the demolition of three houses and the graveling over of the resulting vacant lot.

Many communities went beyond picking up litter and beautified areas which had previously been eyesores. They developed gardens and parks, planted trees, and placed flower boxes. In these communities volunteers did the work of creating and maintaining the beautified areas. Juneau and Fairbanks established committees, which included DEC litter program staff, to plan, carry out, and reward beautification activities. In Juneau the Beautification Subcommittee of the Mayor's Hospitality Committee honored individuals, businesses, and government agencies for their significant efforts to beautify Juneau. The Fairbanks Chamber of Commerce Beautification Committee beautified formerly littered areas in response to a perceived need in the community to enhance civic pride and foster ongoing antilittering behavior.

LITTER PREVENTION

Reduction of litter on the ground is necessary and desirable, but prevention of acts of littering is the key to long-term litter reduction in Alaska.

Litter is the result of personal habits and decisions. In order to affect the litter rate in Alaska, individual attitudes towards litter must be changed, and efforts made to influence personal decisions about the act of littering.

Secured Truckloads

The 1981 litter survey showed that deliberate littering comes from pedestrians aged 6 to 25 and occupants of motor vehicles aged 10 to 45. Most accidental littering is from unsecured truckloads and trash escaping from truck beds.

Since 1981 there has been a shift in the composition of litter. Deliberately littered convenience product packaging litter has decreased from 56% of all fresh litter items in 1981 to 49% in 1983. At the same time, the percentage of accidentally littered items from trash can spills, unsecured loads and uncovered truck beds has increased from 38% to 45%.

These figures indicate public attitudes towards deliberate littering is improving; fewer people are unconsciously tossing wrappers on the ground. The figures show, however, that more work needs to be done to motivate truck owners to cover their loads.

In 1984 the Municipality of Anchorage passed an ordinance requiring that trucks bringing loads to the municipal landfill be covered or pay an "uncovered load" fee of \$10.00 for small trucks and \$10.00 a ton plus a \$30.00 fee for large trucks. By July 1984, 98.8% of the trucks coming to the landfill were covered.

DEC will encourage other municipalities to follow the lead of this highly successful program and conduct their own covered load campaigns in FY 85.

Community Outreach

Using information provided by litter surveys, DEC gears educational efforts to those groups primarily responsible for litter in Alaska. Attitudes and decisions are substantially shaped by both the mass media and personal contact.

1984 DEC media efforts included press releases, production and distribution of public service announcements, and arrangement of media coverage of local cleanup and recycling efforts. Litter caused by travelers was addressed by a full page ad in the 1984 Milepost. A full page "ad" on uncovered loads was published in the April 1984 edition of the State of Alaska's Driver's Manual.

Public information and public education services are an important means of encouraging litter reduction and resource recovery activities throughout Alaska. Table IV shows public awareness services provided by litter program staff in FY 1984.

Table IV

Community Outreach Services

School Presentations	12
Community Presentations	44
Hotline Calls	1591
Newspaper Interviews	161
TV Interviews	18
Radio Interviews	3
Other	12

Commodities Distributed

Another way DEC encourages communities and citizens to become involved in litter control is by distributing free commodities. These range from car litter bags to cleanup incentives for children, including patches and "sort-n-save" magnets. Table V shows the items distributed during FY 1984.

Table V

Commodities Distributed

DEC car litter bags	27,550
SOHIO car litter bags	90,800
Cleanup bags	166,100
Milepost posters	123
Fish & Game posters	30
Pins	12,995
Patches	8,981
Receptacle decals	6,668
"Aluminum only" decals	928
Miscellaneous brochures	4,002

At the beginning of the 1984 tourist season, DEC sent 2,000 DOT/PF car litter bags to U.S. border stations at ALCAN/TOK and Skagway.

Education

Since young people comprise a large number of those groups identified as deliberate litterers, DEC has attempted to reach them through an elementary school curriculum.

The Legislature appropriated \$150,000 for litter reduction programs in schools. With the approval of the Litter Reduction and Resource Recovery Advisory Council, DEC contracted with the Department of Education to produce a series of three 15-minute lessons on videotape for the Learn/Alaska instructional television network. The series will be designed for grades 4- and aired on Learn/Alaska. Printed teacher's guides will be developed and used in conjunction with the video program.

The educational objectives of this series of video lessons are to increase the students' knowledge of their environment, affect their attitude toward conservation of natural resources, and encourage their personal commitment to antilitter, antiwaste behavior. By airing this program on the Learn/Alaska network, we expect to reach the largest possible target audience in the most effective way. The video series is expected to be aired on the Learn/Alaska network beginning in the fall semester 1985.

Litter Receptacles

An important means of preventing litter is to make receptacles available in high use areas. Litter receptacle regulations became effective in October, 1983. Those regulations require receptacles marked with the State's anti-litter logo to be installed, routinely serviced and maintained at commercial, recreation and civic areas. The 1983 litter survey showed a significant increase in receptacles at 10 commercial sampling sites (Syrek, 1983). Table VI shows the additions by site.

BILL SHEFFIELD, GOVERNOR

REPLY TO

DEPARTMENT OF LAW

CRIMINAL DIVISION

CRIMINAL DIVISION CENTRAL OFFICE
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 319
ANCHORAGE, ALASKA 99501-5903
PHONE: 907 273-7434

October 29, 1986

The Honorable Pat Pourchot
House Representative
P.O. Box 104836
Anchorage, Alaska 99504

Re: Littering - AS 46.06.080

Dear Representative Pourchot:

Recently, a request was made by a member of your staff for the number of littering cases prosecuted under AS 46.06.080 and the sentences received. Since January 1, 1983, a total of 142 littering cases have been referred to the district attorney offices for prosecution statewide. Of the 142 cases referred, 41 individuals have been convicted and sentenced. Of these 41 cases only one person went to jail and that was for one day. More likely than not, this individual was arrested and received credit for time already served when he was sentenced by the court. Two other people received fines and suspended jail sentences with the remainder not receiving any jail sentence but being required to pay fines ranging from \$25 to \$250. About one-quarter of the people were also required to perform community work service, including picking up litter from 2 hours to 50 hours. About half of the defendants were placed on probation anywhere from 11 days to one year.

The person on your staff with whom I spoke had expressed the opinion that the heavy maximum sentence for littering (90 days in jail and/or \$1000 fine) was a disincentive to enforcement, but our records show that this is unlikely. The average fine among these cases was \$60; the average community work service was about 10 hours. If the littering laws are not being enforced it seems much more likely that in this era of declining revenues there are other areas of law enforcement that take a higher priority.

Representative Pourchot

October 29, 1986
Page -2-

If I may be of further assistance, do not hesitate to contact me.

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Genelle Massey
Genelle Massey
Special Assistant

GM:ab-29

STEVE COWPER, GOVERNOR

HB 31
DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

January 8, 1987

The Honorable Pat Pourchot
Alaska State Legislature
P.O. Box 104836
Anchorage, AK 99510

Dear Representative Pourchot:

Thank you for your letter of December 9, 1986.

Littering the highways is covered by 13 AAC 02.530(a) through (d), and 17 AAC 25.050, unsecured loads. At present, I believe both are mandatory court appearances, due to the fine the court often imposes.

Obviously, these sections do not address the littering of public and private property, or waters in the state.

I do not believe the mail-in citation would make a great deal of difference in enforcement, but it could reduce court time for judges and police. The fine is low and should, at least, be doubled, considering the expense involved in cleaning up these people's litter.

I personally believe your approach is correct. Perhaps there could be a second section with a mandatory court appearance to be used in aggravated circumstances. In any event, we need one comprehensive law, rather than multiple regulations.

The level of enforcement is a difficult question. The police seldom observe people littering because people watch for police. The Troopers have such limited patrol outside major municipalities that the perception of risk of being apprehended is small. Most law enforcement officers claim they cannot respond to all the calls for assistance they receive now. Littering complaints, including garbage on the right of way, have a low priority.

The Honorable Pat Pourchot

-2-

January 8, 1987

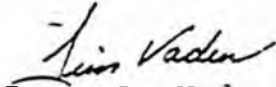
In truth, I believe most, if not all, officers would cite for littering under the aforementioned regulations. However, they do not like to sort through garbage alongside the road in an attempt to identify the depositor. It is also questionable if the district attorneys would prosecute these circumstantial cases, due to the difficulty in obtaining a guilty verdict.

In reference to out-of-state registered vehicles, perhaps we should keep the mail-in system, but make it a mandatory court appearance if the bail and a copy of the registration is not received by the court within a ten-day period. Other sanctions could be applied, i.e., increased penalties for every day after the tenth day.

I believe the residents want the initial enforcement, and the vehicle registered as expeditiously as possible.

If we can be of any further assistance, please let me know.

Sincerely,


James D. Vaden
Deputy Commissioner

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POURCHOT, PAT POURCHOT
LEGISLATIVE AFFAIRS AGENCY
11/25/86

M E M O R A N D U M

November 25, 1986

SUBJECT: Litter laws
(Work Order No. 15-0182)

TO: Representative Pat Pourchot

FROM: Edward H. Hein *EH*
Legislative Counsel

You are correct that littering is prohibited under AS 46.06.080, and that AS 46.06 is repealed, effective July 1, 1987. In the event that AS 46.06 is allowed to terminate, there are other statutes under which littering might be prosecuted, but that depends on how we define "litter."

Under AS 46.06.150(4), "litter" means all waste material except "the wastes of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing." But under AS 46.03.710, pollution of the air, land, subsurface land or water of the state is prohibited. For purposes of that section, "pollution" is defined as "the contamination or altering of waters, land or subsurface land of the state in a manner which creates a nuisance or makes waters, land or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life." Under AS 46.03.760, a polluter is liable to the state for civil damages; AS 46.03.790 provides for criminal penalties.

With regard to your idea of establishing a "two-tier" system for littering offenses, that seems like a practical approach. As you know, a bail forfeiture schedule is in effect for minor traffic offenses, and this works well. A similar schedule was required to be established for violations of the smoking-in-public-places law. AS 18.35.341(d). Serious litter offenses could be distinguished from minor litter

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offenses on the basis of the amount of damage done, i.e. the cost of cleaning up and restoring the site to its pre-littered condition. As an alternative, you might want to distinguish on the basis of the weight, amount, or contents of the litter.

I have not discussed this matter with anyone else. I would be happy to work with you or any of your staff members, or to research the matter further on my own, if you wish. If you want me to draft some legislation, let's talk about it so I will have a better picture of what you have in mind.

EHH:mkr

m7/033



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-8228

December 2, 1986

Jeannie Larson
c/o Representative Pat Pourchot
Box 104836
Anchorage, Alaska 99510

Dear Jeannie:

As we discussed, you asked if I could provide a rough draft of a statute which would permit enforcement of anti-littering laws by a mail-in payment rather than a mandatory court appearance.

A copy of a draft is enclosed. Although my primary interest is in the section dealing with the mail-in fine payment, I have included substantive language so that you can see how such a statute might be laid out. The draft is written in legislative style, with new language underlined and deleted language in brackets.

I assumed the framework of the existing littering statutes, and that the existing anti-littering law would not be repealed. In other words, adoption of this draft would override the repealer clause in the existing legislation. However, AS 46.06.080(b), which deals with uncovered loads would be repealed, and replaced by AS 28.35.251, which the legislature enacted last year.

Using AS 16.05.160 as a model, I then drafted new language which would establish a fine rather than a bail schedule method of processing these payments. This process would apply to AS 46.06.080 only; other violations would require a court appearance.

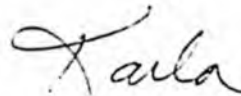
Some of the questions I am sure you will want to address include whether you want to retain the existing anti-littering language or draft new language, whether the \$25.00 fine is appropriate, and whether all violations of the chapter should be processed this way. You may want to solicit the views of enforcement officers regarding these provisions.

Jeannie Larson
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I hope this draft is helpful to you . Again, please be advised that it is merely a concept and that the administrative office does not take a position about the desirability of anti-litter legislation or the proper fine amount. The only concern of this office is that a procedure be adopted which will require the least expenditure of fiscal resources by the court system. If enforcement officers project a substantial level of enforcement, the court system would have to consider the need for additional clerical staff to process these citations and the payments. It is very important to have adequate staff to process these payments, because inaccurate records can lead to improper issuance of bench warrants and subsequent lawsuits for false arrest.

Please let me know if you have any questions.

Sincerely,



Karla L. Forsythe
Staff Counsel

KLF:bs

cc: Arthur H. Snowden, II, Administrative Director
Susan Miller, Manager of Special Projects

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